

'Abdus-Salam al-Basuni

the freedom
of
opinion
in
islam

حرية الرأي في الإسلام



الدار العالمية للكتاب الإسلامي

IN THE NAME OF
ALLAH
THE ALL-COMPASSIONATE, ALL-MERCIFUL



The Freedom of Opinion in Islam

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TRANSLITERATION CHART

أ	a
آ . إ	â
ب	b
ت	t
ة	h or t (when followed by another Arabic word)
ث	th
ج	j
ح	h
خ	kh
د	d
ذ	dh
ر	r
ز	z
س	s
ش	sh
ص	ṣ
ض	ḍ
ط	ṭ

ظ	<u>dh</u>
ع	‘
غ	gh
ف	f
ق	q
ك	k
ل	l
م	m
ن	n
هـ - ه - هـ	h
و	w
و (as a long vowel)	oo
ي	y
ي (as a long vowel)	ee
ء	’ (Omitted in initial position)

َ	Fathah	a
ِ	Kasrah	i
ُ	Dammah	u
ّ	Shaddah	Double letter
◌	Sukoon	Absence of vowel

FOREWORD

By ‘Abdul-Haleem Lee

In the Name of Allah, the All-Compassionate, All-Merciful

All praise be to Allah, the Glorified and the Exalted, the Lord of the Worlds, and may Allah’s Blessings and peace be upon our Prophet Muhammad and upon his family and Companions.

It is with gratitude, humility and a deep sense of purpose that we introduce to the English reader a work, based upon *Hal bi al-Islâm Hurriyah li ar-Ra’y* — *The Freedom of Opinion in Islam* originally published in Arabic language, by ash-Shaykh ‘Abdus-Salâm al-Basyony. That major work was initially written in 1994 to address the media assault by the West upon Islam, asserting that the West alone is the sponsor of freedom and the advocate of human rights and equality for the sexes. Their strategy is to defame Islam, accusing it of being the cause of ‘backwardness’ among the people and asserting, therefore, that Islam should be abandoned. They further assert that the only way to ‘progress’ lies in embracing the standards and culture of the West and to accept its leadership in all worldly matters. In addition, they accuse Islam of restricting freedom or free expression of opinion.

In *The Freedom of Opinion in Islam*, ash-Shaykh al-Basyony provides a frame of reference within which to view and compare the Islamic system and the secular human systems. He

discusses a range of issues related to freedom of opinion: the moral aspect and the practical one, Shari'ah law (Islamic law) and secular law (constitutions and legal codes), unlimited freedom and its abuse (chaos) and undue restriction (oppression and coercion). He separates 'fact from fiction' as he examines what is stated in law and what is applied in practice; thus, he arrives at the conclusion that constitutions are nothing more than 'ink on paper.'

Ash-Shaykh al-Basyony is careful to point out that although the Islamic system, which is based upon Qur'an and Sunnah, is without fault, what we see practiced in 'Muslim countries' can hardly form the basis to judge the religion of Islam. At the same time, people in the West persist in the habit of attributing every beneficial development in the world to themselves. So they assume the role of criterion-setter, standard-bearer, crusader, judge and global monitor of noble values and rights. The author provides accurate information about the concept of 'freedom of opinion' and the discrepancies between its being proclaimed and its actual practice in Islam, Muslim countries, in the West and elsewhere. Contrary to the accusations that Islam restricts 'freedom' and the 'free expression of opinion,' Islam promotes, encourages and obliges its adherents to exercise their freedom, and protects their right to do so. Ash-Shaykh al-Basyony easily refutes such charges against Islam by pointing out that freedom of opinion is a tenet or principle within the Islamic system. In other words, Islam has systemic guarantees to the freedom of opinion as illustrated within the following briefly-stated points:

- ❖ There is reward for the Muslim who gives advice to others and speaks the truth to support justice, and reward for the Muslim who does not conceal evidence or withhold witness for the sake of Allah.

- ❖ There is a prohibition of frightening, jailing, torturing, or using any kind of punishment against Muslims because they express their opinions lawfully.
- ❖ The Muslim community is responsible for supporting and protecting any Muslim who expresses his opinion as long as it is pertinent to enjoining what is right.
- ❖ Muslims are to hold a good opinion of others, without suspicion or doubt about their actions and intentions.
- ❖ Islam guarantees easy access to the ruler and to express an opinion before him.
- ❖ The Muslim has the right to sue the state if there is any kind of oppression. There is independence and separation of the judiciary from all authorities, even that of the Caliph.
- ❖ It is not acceptable in Islam to impose an opinion in the case where more than one opinion is possible.

With the fall of the Berlin Wall and the collapse of the Soviet Union and international Communism, the only remaining ideological system and obstacle to worldwide domination by materialistic secular systems is Islam and its practice in some countries. It is profoundly significant that the vast majority of armed conflicts, over the past decade and a half, have been engaged against Muslims; the Northern Ireland conflict is a notable exception. And this is true all over the globe.

It is also noteworthy that the Muslim combatants, if they are identified at all, are almost exclusively labelled in pejorative terms, such as 'terrorists,' 'extremists,' 'Islamists,' 'fundamentalists,' 'rebels,' 'anti-government factions,' and the like. In addition, no matter what the circumstance for which they may be struggling, the facts of the matter are rarely ever provided

in the non-Muslim media. On the other hand, in a negative matter, e.g. a crime, where the identity of the person is mentioned, the reporter finds it necessary to include his religious affiliation, if he is a Muslim.

These tactics are quite familiar to those who have witnessed the reporting of oppression by the oppressors in any time period, so nothing has changed in this regard. We do not intend to engage in a long discussion of politics regarding Islam, but rather, to succinctly provide an understanding of the political framework within which the current anti-Islam media campaign may be viewed.

Since the writing of *The Freedom of Opinion in Islam* in 1994, the issues addressed by ash-Shaykh al-Basyony have become even more relevant to us today and, for that reason, we have widened our discussion to include these issues. It is our intent to invite English readers to this broad forum of opinion, and to draw their own conclusion as to the merits of the Islamic system.

'Abdul-Ḥaleem Lee
Doha, Qatar

INTRODUCTION

Governance and Freedom of Expression in Islam

We invite the reader to consider our discussion of ‘freedom of expression’ in the larger context of governance — that area of rights, privileges, and institutions that form the great framework within which citizens are governed. The form of governance, the focus of its interests, its primary sponsors (or supporters), its philosophical foundations, its primary beneficiaries and the mechanisms to its access are all relevant issues under this broad subject.

The great, complex and far-reaching issues thrust upon humanity on the world stage today demand our attention not only for the present generation, but also for future generations. The magnitude of issues such as conflict within and among nations, economic globalization, climatic effects and natural disasters and abuses of medical technology of necessity, raises questions not only about their origins, solutions, amelioration and prevention but, as importantly, the very forums and mechanisms for addressing them and their effectiveness.

With the fall of the Berlin Wall and the collapse of the Soviet Union came the proclamation of a ‘New World Order,’ under the leadership of the sole remaining superpower. Subsequently, we witness alarming changes in the status of the

UN (United Nations) as a world body: rapid decline in respect for it as a global forum, its diminished capacity to respond to international crises, and increased flagrant violations of its mandates. We further witness the preference for NATO (North Atlantic Treaty Organization) as the enforcement arm of Western military interests in Europe, and an increase in what might be considered 'international vigilantism' by Western powers.

Simultaneously, we see unprecedented efforts to promote Western-style democracy and its approach as not just the best way to problem-solving but as the only way. The proponents of these positions further imply, if they don't say outright, that those who fail to agree to such views are out of step, less developed, unenlightened, or not deserving full respect among the community of nations. So, the issues of governance are thrust 'front and centre' of world opinion. Since the collapse of international Communism, the only remaining ideological system capable of challenging worldwide domination by materialistic secular systems is Islam and its practice in some countries. The notion that the adaptation of Western-style democracy as a religion and ideology, and that the democratization of institutions gives them priority over other forms of governance, seems especially aimed at Islamic institutions and Muslim communities.

It is important today, for people everywhere, to have a clear and accurate understanding of Islam ('the religion of the past, present and future'), and to give Islam a 'fair audience.' Islam is the only system that offers a total way of life to meet man's spiritual and moral requirements, and to offer a blueprint for man's life on earth until the Day of Judgment. Islam is so appealing and natural to human nature, its moral system so characterized by justice, that it is irresistible to the one who seeks correct worship of his Creator and a way of life at the same time.

A monumental fact that will, forever, distinguish Islam from other systems is that in Islam that which is legal can never be immoral and that which is immoral can never be legal. Under any other legal system, that which is legal may be immoral and that which is immoral may be legal. The institutions of governance in Islam would never permit such a violation of its mandate as the religion to guide all of humanity until the end of the world (the Day of Judgment).

Concepts of democratic rule in the West and in Islam

What distinguishes Islamic democracy from Western democracy is that the latter is based on the concept of popular sovereignty, while the former rests on the principle of Qur'an and Sunnah and the tradition of the guided (Orthodox) Caliphs. In Western democracy, the people are sovereign, while in Islam sovereignty is vested in God and the people are His *caliphs* or representatives. In Western democracies, the people make their own laws; in Islamic democracy, people have to follow and obey the laws (Shari'ah) given by God through His Prophet. So, in one form of democracy, the government undertakes to fulfill the will of the people; in the other, the government and the people are obliged to fulfill the will of God as recorded in the Holy Qur'an and respected Sunnah.

Selected current issues

Whether we focus attention upon governance on larger or smaller, local or global affairs, we see the fallacy of secular claims

for equating democratic rule with the public's best interest or for the benefit of humanity as a whole. Since the publication of *The Freedom of Opinion in Islam*, many such issues have continued to gain importance in the arena of public debate, subject to direct voter approval or not.

We have selected, for discussion, five areas where the 'public will' or the right of voters has led to potentially disastrous national social consequences. Because the United States of America is the world's leading democracy and chief advocate for 'democratic' principles, we have chosen to examine these issues in the context of democratic processes there. We have selected gambling, homosexuality, capital punishment, euthanasia, and sanctions as an economic weapon against another nation as being particularly relevant at this time.

A common thread shared by these issues is that each has been specifically addressed in Islam: gambling, homosexuality, euthanasia (suicide or taking a life without just cause), and sanctions as a weapon (collective punishment) are specifically prohibited, while capital punishment has been prescribed for specific offences, e.g. adultery, killing without right, etc. In these matters, Muslims maintain that the rulings of Islamic law (Shari'ah), derived from the Qur'an and respected Sunnah, bear sufficient evidence and wisdom for them to practise in their daily lives. The position of the believing Muslim is 'I have no opinion in what Allah and His Messenger (Blessings and peace be upon him) have legislated, I hear and I obey.' The Muslim is pleased with what Allah has Legislated for the whole of humanity. He knows he can trust the Divine Wisdom of the Creator in these matters because he sees the benefits of his compliance and the consequences of disobedience in practical life.

On the other hand, in secular democracies with man-made constitutions, where the will of the people has priority, the formulation and enforcement of laws may vary according to numbers of votes, results of opinion polls, attitudes and desires of elected officials, and any number of other interests. These societies that reject religion (moral law) and religious practice as the basis of their legal foundation must then rely upon human (man-made) values, interests, and opinion for their existence. Rulers and the ruled in such democracies vie with one another to reach some kind of consensus (social contract) supposedly for the common good of most people (presumably the electorate), or the country as a whole.

What we witness from the discussions of our selected topics is that when public policy is established based upon the supposed ‘desires of the people,’ the people and the country are faced with profound moral dilemmas they can not resolve, no matter how hard they try. In other words, when human beings decide to venture into matters in ways contrary to what the Creator has legislated, they are unable to extricate themselves from the adverse consequences of their decision, and find that the benefits they thought they would derive from such transgression have eluded them. We must understand that the usefulness of ‘freedom to express opinion’ is limited and that democracy itself is an imperfect form of governance.

The issue of gambling

God, the Almighty says:

﴿Satan wants only to excite enmity and hatred among you with intoxicants [alcoholic drinks] and gambling, and to avert you from

the remembrance of Allah and from prayers. So, will you not then abstain?﴾ (Qur'an 5: 91)

Gambling, by definition, is the betting or staking of something of value, with the consciousness of risk and hope of gain, on the outcome of a game, a contest, or an uncertain event whose result may be determined by chance or accident or have an unexpected result by reason of the bettor's miscalculation (Encyclopedia Britannica).

Historically, gambling has been frowned upon and generally prohibited. In fact, gambling in America, until recent times, was considered immoral, sinful behaviour and condemned by most religious groups and Church authorities even though certain forms of gambling (e.g. private poker games, regulated horse racing, etc.) were acceptable in some social circles. The state of Nevada, of course, has been an exception. Over the last 25 years, however, many states have liberalized their policies toward gambling. In the 1970's, gambling was legalized in Atlantic City, New Jersey, and state lotteries became popular. Since 1988, 19 states legalized casinos and 10 legalized video poker or slot machines at racetracks and bars. All told, it is estimated that Americans wagered more than \$550 billion on legal gambling in 1997 — a 3,200 % increase since 1976.¹

In 1975, the Federal government allowed state lotteries to advertise on television and radio for the first time, resulting in a flood of commercials promoting gambling. What was once considered unacceptable behaviour has now become not only tolerated, but also encouraged. When gambling became legal (as

¹ USA TODAY (May 1997), Section: Life in America - "Is There a Cure for America's Gambling Addiction?" by Bernard P. Horn.

with other vices), it also became marketable. As attitudes changed, so did the games. Government offered more opportunities to bet with faster action and bigger prizes. In 1987, the Supreme Court ruled that Native Americans, without state regulation, could offer legal gambling on Indian reservations. In 1988, Congress enacted the Indian Gambling Regulatory Act (IGRA) that included a process for tribes to acquire new land for gambling far from their reservations. These actions led cash-starved states and municipalities, eager to raise revenue, but reluctant to raise taxes to seize a prospect of something for nothing. Since Indian gambling was coming anyway, states reasoned they might as well legalize commercial casinos, which, unlike Indian casinos, they would be able to tax. For years, lawmakers forgot why gambling was considered a 'vice.' By 1994, a considerable body of evidence showed that the expansion of legalized gambling destroys individuals, wrecks families, increases crime, and ultimately costs society far more than the government makes.² In addition, a 50-state study showed that lotteries don't increase education spending. Instead, states use lottery dollars in place of state revenues that had gone to schools.

In summary, gambling in the U.S.A. was once kept at 'acceptable' levels by public censure, when it was viewed as immoral, a public evil, vice and not to be publicly engaged in by 'good' people. If a person chose to gamble, it was a private matter that he engaged in, knowing that there were adverse social consequences, and immoral consequences according to all major religions.

² Op. cit.

From this example, we can see that to transform immoral, private behaviour into legalized, acceptable behaviour as a matter of public policy (by the electorate, government representatives, etc.), the religious community is necessarily pitted in the arena of public opinion against those forces that seek only profit. Opinion polls are conducted. Media campaigns are launched to convince the people that there are benefits to legalizing ‘vices,’ and politicians are persuaded that it is in their interest to avoid unpopular increases in taxes by these less intrusive means. As a result, through democratic processes, the moral fabric of the nation is further eroded and society becomes enmeshed in widespread social problems from which it cannot extricate itself.

Homosexuality and lesbianism

Homosexual behaviour is a phenomenon with a long history, to which there have been various cultural and moral responses, primarily to limit its rise and discourage it from spreading. But today in the West, homosexuality and lesbianism are being called “alternative lifestyles,” “personal preference,” “a natural variation,” etc., terms which suggest that these historically deviant behaviours are now acceptable to public view.³ We have recently witnessed a concerted and intense campaign in the media and in leading cultural institutions to advance the “gay” and lesbian cause. In America, these activities are part of a new movement that variously presents itself as an appeal for compassion, as an extension of the civil-rights-movement for minorities, and as a cultural revolution. This gay and lesbian

³ See Islam’s position on homosexuality in *al-Haramain online Newsletter*, Vol. 5, Issue 6, May 2001.

movement aggressively proposes radical changes in social behaviour, religion, morality, and law.⁴

This movement has raised a sharp moral challenge to the hypocrisy and immorality of Western culture in general. In the light of widespread changes in sexual behaviour and attitudes, many homosexuals protest that the sexual license afforded to heterosexuals should not be denied to them. Permissive abortion, widespread adultery, easy divorce, radical feminism, and the gay and lesbian movement appeared at about the same time. They have in common a declared desire for liberation from constraint associated with an allegedly oppressive culture and religious tradition. They also share the proposition that the body is little more than an instrument for the fulfilment of desire, and that this fulfilment is the essence of being human. Those segments within the religious community of the West and all those who are committed to resist this concerted effort to destroy heterosexual marriage as the basis for family living, must be equally concerned for undiminished integrity, in teaching and practice, regarding religion-based sexual ethics.

Sin occurs from freely and knowingly acting in a way contrary to God's (Allah's) purpose. What is in accord with human nature is the behaviour appropriate to what men and women are intended to be, as God (Allah) created and called them to be through His Prophets and Holy Books. Therefore, homosexuality and extramarital heterosexual behaviour (fornication and adultery) must be condemned as sinful. These acts do not only destroy individual character, contribute to numerous health problems and result in suicide and depression,

⁴ "The Homosexual Movement: A Response by the Ramsey Colloquium," 1994, *First Things* (41), March 1994, Pp. 15-21.

but also undermine the normative character of marriage and family life. Most importantly, these acts and their effects lead people and communities to face a great responsibility on The Last Day (*al-Ākhirah* or in the Hereafter).

Capital punishment

We have included this section on capital punishment (the death penalty) to illustrate again how freedom of expressing opinion in Islam, even when limited by specific rules, can have the greatest benefit for society. In our discussion of capital punishment in Islam, we will see that the legal process allows for the opinion of the family of the victim to be considered even up to the time of the court-ordered execution of the murderer.

We have limited our focus to capital punishment rather than punishment in general, and presented legal issues as concisely and briefly as possible. Our aim is to provide an Islamic perspective in contrast to that of the West on another matter that has broad social consequences. Much of our discussion is derived from ash-Shaykh El-Awa's work, *Punishment in Islamic Law*.⁵

To understand the system of punishment in Islam it is necessary to understand the theory upon which it is based. In Islamic law, the theory of punishment is based on the belief in the divine revelation contained in the Qur'an and Sunnah of Prophet Muhammad (Blessings and peace be upon him). In fact, the Qur'an and Sunnah contain very little, if any theory. Instead, they contain basic rules and commands, usually expressed in a very

⁵ El-Awa, Muhammad S., *Punishment in Islamic Law*, American Trust Publications, Indianapolis, USA, 1998.

broad manner and frequently capable of varying interpretations. For our purposes, we will cite references pertaining mainly to capital punishment, a *ḥadd* punishment.⁶ Allah (in the Qur'an) Says, which means, ﴿...We ordained for the Children of Israel that if anyone killed a person not in retaliation of murder, or [and] to spread mischief in the land — it would be as if he killed all mankind, and if anyone saved a life, it would be as if he saved the life of all mankind.﴾ (Qur'an 5: 32). In a hadith (saying of the Prophet) narrated by Anas ibn Mâlik, the Prophet (Blessings and peace be upon him) said: "The great sins are,

1. To join others as partners in worship with Allah,
2. To murder a human being,
3. To be undutiful to one's parents and
4. To make a false statement," or said, "to give a false witness."⁷

Undoubtedly, the greatest crime known to mankind is murder. It has been punishable under all systems of law since early in the history of mankind up to the present. The punishment prescribed in Islamic law for murder and the infliction of injury is called '*qiṣâs*' or '*qawad*,' (retaliation), that is inflicting on a culprit an injury exactly equal to the injury he inflicted on his victim. Justice is measured "in accordance with the moral standard of just and exact reparation for loss suffered." Moreover, the maxim "a life for a life" stems from the religious principle that all men are equal in the sight of God.

The punishment for homicide and the infliction of injury in Islamic law could be either *qiṣâs* (retaliation) or the payment of

⁶ The word *ḥadd* (plural, *ḥudood*) means a punishment that has been prescribed by God in the revealed text of the Qur'an or the Sunnah, the application of which is the right of God or *ḥaqq* Allah. Op. cit, p. 1.

⁷ Bukhari.

diyah (blood money). *Qisâs* itself is divided into two categories: *qisâs* for homicide and *qisâs* for wounds or injuries. *Diyah* is the term commonly used to designate blood money owed for killing.

In the Qur'an, both kinds of homicide, deliberate and accidental homicide are mentioned. For deliberate homicide, the punishment prescribed in the Qur'an is killing the perpetrator or the payment of blood money if the relatives of the victim do not demand *qisâs* (retaliation). The Qur'an enjoins:

«O' you who believe! *al-Qisâs* is prescribed for you in case of murder: the free for the free, the slave for the slave, and the female for the female. But if the killer is forgiven by the brother [or the relatives] of the killed against blood money, then adhering to it with fairness and payment of the blood money to the heir should be made in fairness. This is an alleviation and a mercy from your Lord. So after this, whoever transgresses the limits, he shall have a painful torment. And there is [a saving of] life for you in *al-Qisâs* [the law of Equality in punishment], O' men of understanding, that you may become *al-Muttaqoon* [pious, righteous persons].»
(Qur'an 2:178-179)

And in another verse, the law concerning accidental homicide is prescribed:

«Never should a believer kill a believer unless by mistake. And whoever kills a believer by mistake should free a believing slave and pay compensation to the family of the deceased unless they remit it freely...»
(Qur'an 4:92)

Taking these verses together, the scholars ruled that no *qisâs* is owed for accidental homicide but only the blood money and penance, or penance only.

For deliberate homicide, the punishment of *qisâs* means the taking of the culprit's life because of the life he has taken. This is,

in modern terms, the death penalty for murder. The scholars have agreed on this, but have different opinions on the method by which it should be carried out. However, we may conclude that retaliation for deliberate homicide is the punishment prescribed in the Qur'an, i.e. death, and that it should be carried out in the manner that causes the least possible pain⁸. For all other types of homicide (quasi-deliberate, accidental, direct, etc.) the penalty is the exaction of blood money.

In Islamic law, the victim or his nearest relatives have three rights. First is the right to demand the execution of *qiṣâṣ* (retaliation), against the murderer. It is the right of the nearest relative of the murdered person to demand retaliation or *qiṣâṣ*, and without this demand *qiṣâṣ* cannot be inflicted.

Second is the right to pardon the murderer in return for his paying the fixed amount of blood money. The *diyyah* (blood money) is, above all, compensation fixed to satisfy the victim's relatives.

Third is the right of the relatives to pardon the murderer freely, i.e., even without taking the blood money. The latter right may be exercised even after the court has ordered *qiṣâṣ* to be executed against the culprit. Indeed, the Qur'an (2: 178) and the Sunnah recommend the remission of retaliation.⁹

In summary, this discussion means, that capital punishment in Islam is fixed (firmly established) and that punishment for

⁸ The word 'capital' in 'capital punishment' refers to the person's head. In the past, people were often executed by severing their heads from their bodies. Beheading with the sword for capital crimes is still practiced in some countries, e.g. the Kingdom of Saudi Arabia. Today, there are seven main methods of execution used worldwide: hanging, electric chair, firing squad, gas chamber, lethal injection, guillotine, and stoning.

⁹ Ibid., ch. iii.

murder is part of the religion commanded by God in the Qur'an and the Sunnah, and must be carried out. It also means that freedom to express opinion by the family of the victim is not only permitted, but also a right and an obligation. This right of expression is extended to the point of execution of the offender.

Although we have not discussed costs of trial, confinement and execution of the culprit under the Islamic system, we can surmise that such expenses are minimal when compared with those incurred for capital punishment in Western countries. (More on this later.)

We will now turn our attention to capital punishment in the West.

Presently, more than half of the countries in the international community have abolished the death penalty completely, *de facto*, or for ordinary crimes. However, over 90 countries retain the death penalty, including China, Iran, and the United States, all of which ranked among the highest for international executions in 1998. (Amnesty International, 1999)

Broadly speaking, in Western penal systems, the theories of punishment are based on, and justified by, considerations of social utility. In America, such considerations are greatly influenced by opinion polls in addition to politics. The death penalty has never been illegal in America; it is permitted by the U.S. Constitution and it is the law in most states. Still the death penalty remains the subject of considerable public debate in America, and policies regarding it are shaped by opinion polls, politics, and, perhaps, international influence.

Americans filed a variety of arguments surrounding the death penalty. Some theorists justify capital punishment on the basis of three criteria: deterrence, retribution, and incapacitation.

Few people would deny that the death penalty deters murder. Still executions are carried out at midnight in remote areas of remote prisons, and the number of people allowed to view them is sharply restricted. Showing executions is not permitted on television, so it is hard for something to be a deterrent if no one can see it. The benefit cited for incapacitation is that murderers, once executed, cannot harm anyone again.

Opponents of capital punishment also say that alternatives to the death penalty should be considered, because figures show that the cost of seeking the death penalty in most cases far exceeds the cost of such alternatives, e.g. life imprisonment.¹⁰ It was recently reported that the U.S. government spent an additional \$1.3 million defending convicted bomber Timothy Mc Veigh after his sentencing, in addition to the \$13.8 million that had already been spent on his defence for the April 1995 bombing of the Alfred P. Murrah Building in Oklahoma City. According to records released previously, the U.S. Justice Department spent \$82.5 million to investigate and prosecute the case.

A sample of estimates regarding the cost of the death penalty across America revealed the following findings:¹¹

❖ California: Elimination of the death penalty would result in a

¹⁰ States around the country spent more on building prisons than colleges in 1995 for the first time. From 1984 to 1994, California's prison system realized a 209% increase in funding, compared to a 15% increase in state university funding. Also, in 1997 (the latest year for which costs are available) average annual costs of incarcerating a prisoner were \$23,477 (federal), \$19,801 (state), and \$20,225 (jail). See "The Punishing Decade: Prison and Jail Estimates at the Millennium," Justice Policy Institute, May 2000, Washington, D. C.

¹¹ Also see DPIC (Death Penalty Information Center) Report: Millions Misspent: What Politicians Don't Say About the High Costs of the Death Penalty (updated version, 1994), on DPIC website.

net savings to the state of at least several tens of millions of dollars annually. (The Catalyst, 2/22/00)

- ❖ Florida: Enforcing the death penalty costs Florida \$51 million a year above and beyond what it costs to punish all first-degree murderers with life in prison without parole. (Palm Beach post, 1/4/00)
- ❖ New York: Costs associated with pursuing the death penalty could reach \$238 million by the time of the first execution. (N.Y. Daily News, 10/19/99)
- ❖ Nebraska: Savings from executing an inmate are outweighed by the financial legal costs. (Neb. Press & Dakotan, 1/27/98)
- ❖ Federal cases: Defence costs of federal death penalty cases were about 4 times higher than in cases where death was not sought. Moreover, the prosecution cost in death cases were 67% higher than the defence costs, without including the investigative costs provided by law enforcement agencies. (a report from the Judicial Conference of the U.S.)

In addition, opponents of the death penalty question whether some governments should kill. Those who take this position often call upon Biblical prohibitions such as the story of the woman caught in adultery (John 8:7, although this is believed to be a forgery). They also raise issues about the effect upon society with the state permitting premeditated murder, the poor, males, and racial minorities being over-represented among those executed, and the chance for error in executing an innocent person.

Support for the death penalty has fluctuated throughout the past century. According to Gallup surveys, in 1936, 61% of Americans favoured the death penalty for persons convicted of murder. Support reached an all-time low of 42% in 1966. Throughout the 70's and 80's, the percentage of Americans in

favour of the death penalty increased steadily, reaching an 80% approval rating in 1994. Since then, support for the death penalty has again declined. Today, 66% of Americans support the death penalty in theory. However, public support for the death penalty drops to around 50% when voters are offered the alternative of life without parole.¹²

At the international level, in April 1999, the United Nations Human Rights Commission (UNHRC) passed the “Resolution Supporting Worldwide Moratorium On Executions.” The resolution calls on countries that have not abolished the death penalty to restrict its use, including not imposing it on juvenile offenders and limiting the number of offences for which it can be imposed. Ten countries, including the United States, China, Pakistan, Rwanda and the Sudan voted against the resolution. (New York Times, 4/29/99)

In closing our discussion of capital punishment, we have again shown that the role of freedom of expression in Islam is contained within the legal framework of Islamic law. We have explained that capital punishment is an element of Islamic law established by Allah’s command and must be carried out upon the offender. Likewise, freedom of expression is institutionalized as a right and obligation upon the relatives of the victim. As such, the murderer’s fate, for practical purposes, rests with the victim’s family. As a legal disposition of murder cases, capital punishment has endured since Shari’ah was established until the present time, and is not subject to change through public opinion, political pressures and the like. The very stability and certainty of the death penalty seems to have safeguarded Islamic society from needless

¹² “History of the Death Penalty, Part II,” DOIC Report, Pp. 4-5.

conflicts and subsequent costs in money and in human terms associated with contesting its legitimacy.

We also see that capital punishment still exists in America, one of the last nations in the West to retain it, in spite of internal and external pressures to do otherwise. In America, the social utility of the death sentence is given considerable attention, particularly as to the economic cost of implementation. Perhaps, the intense focus upon costs has to do with Americans being taxed at every level of government to pay for services rendered and, therefore, they are rightfully concerned when more of their money is going to build prisons than colleges. Added to these high correctional expenditures is the fact that capital crimes are so much more costly than other offences to prosecute and bring to finality by execution of the culprit. On the other hand, it is somewhat ironic that the freedom to express opinion is directed mainly toward abolishing a legal penalty that is intended to protect society from the most violent of its members.

Euthanasia and physician-assisted suicide

﴿O' you who believe!... do not kill yourselves [nor kill one another]. Indeed, Allah to you is ever Merciful. And whoever commits that through aggression and injustice, We shall cast him into the Fire, and that is easy for Allah.﴾ (*Qur'an* 4: 29-30)

Attempting to kill oneself is a grave sin in Islam, punishable by Allah casting the perpetrator into Hell-fire.

﴿Allah does not burden a person beyond his capacity.﴾

(*Qur'an* 2: 286)

Since suicide is immoral and condemned in the Qur'an and Sunnah, Muslims accept its prohibition and see no reason to

question its legality or consider it as an option.

However, in America (and many other secular societies), an active political question is whether individuals should be allowed to choose suicide, or whether they should be forced to follow the theological beliefs of the dominant religion. A similar point is raised regarding choice in abortion and prayer in public schools, a matter still unresolved and hotly debated.

For the purpose of discussion, we will try to briefly define terms, identify some important points raised by sides for and against euthanasia, some techniques employed to determine public policy, and the results of those efforts.

The word Euthanasia means *the intentional termination of life by another at the explicit request of the person who dies*. The term normally implies that the act must be initiated by the person who wishes to commit suicide, but other distinctions need to be made.

Passive Euthanasia: Hastening the death of a person by altering some form of support and letting nature take its course, e. g. giving a patient large doses of morphine to control pain, but which may also suppress respiration and cause death earlier than it would otherwise have happened. Such doses of painkillers have a dual effect of relieving pain and hastening death. Administering such medication is regarded as ethical in most political jurisdictions and by most medical societies.

Active Euthanasia: Causing the death of a person through a direct action, in response to a request from a person.

Physician-Assisted Suicide: A physician supplies information and/or the means of committing suicide (e.g. a prescription for a lethal dose of sleeping pills, or other substance) to a person, so that he can easily terminate his own life.

Involuntary Euthanasia: Describes the killing of a person who has not explicitly requested aid in dying. This procedure is often done to patients who are in a ‘vegetative state’ and will probably never recover consciousness.¹³

According to Western traditions there are two basic positions regarding suicide and euthanasia:

Traditional Christian beliefs concerning all forms of suicide were well documented by Thomas Aquinas (1225-1274 C.E.). He condemned all suicide because it violates one’s natural desire to live, harms other people, and held that life is the gift of God and should only be taken by Him.

Pro-choice advocates find support from Michel de Montaigne (1533-1592 C.E.), who was the first major dissenter among European writers. He wrote 5 essays touching on the subject of suicide and argued that suicide should be a matter of personal choice, a rational option under some conditions. These are essentially the two basic positions today.¹⁴

In reality, the basic question posed by euthanasia/assisted suicide is whether to give assistance in dying to a person with the following conditions:

- ❖ He is terminally ill, and
- ❖ Feels his life is not worth living because of intractable pain, and/or loss of dignity, and/or loss of capability and
- ❖ Repeatedly and actively asks for help in committing suicide and

¹³ “Euthanasia and Physician-Assisted Suicide: All Sides of the Issues,” Religious Tolerance Organization website.

¹⁴ Ibid.

❖ Is of sound mind and not suffering from depression.

Suicide is a legal act that is theoretically available to everyone. But the terminally ill person or the patient confined to the hospital may not be able to exercise this option and may need assistance. To frame the debate for euthanasia succinctly, the pro-choice advocates believe that people should be empowered to have control over their bodies and should not be forced to follow theological beliefs of the dominant society. The opponents of euthanasia find support mainly from three groups: conservative religious groups who believe that life comes from God and only God should end it, from medical associations whose members are dedicated to saving and extending life, and from groups concerned with disabilities who fear that euthanasia is a first step to get rid of them. Some liberal church denominations have issued statements supportive of allowing individual decision-making with precautions to avoid abuse. The various factions have appealed to public opinion for support of their respective positions and individuals have applied to various courts seeking a legal right to euthanasia.

In states where the electorate had contested euthanasia, a costly vigorous struggle resulted between conservative religious groups and medical care-givers on one side and supporters of 'death with dignity' on the other. Notable are Maine, Michigan and Oregon where millions of dollars were spent before the issue was finally decided.

Individuals who have sought the right to assisted suicide through state courts have not been successful, e.g. in Colorado (2000) and Florida (1997). The U S Supreme Court (1997), ruling on cases from New York and Washington where state laws criminalizing physician-assisted suicide for terminally ill patients

had been declared unconstitutional by U.S. Circuit Courts of Appeals, found that the average American has no constitutional right to a physician-assisted suicide. On the other hand, the court implied that there is no constitutional bar to prevent a state from passing a law permitting physician-assisted suicide. Oregon managed to pass just such a law.¹⁵

Numerous opinion polls have been taken. However, the results vary according to the precise question asked. Some results show support for choice regarding euthanasia at:

57% in favour, 35% opposed in the U.S. (CNN/U.S.A. Today poll of 1997-JUN); an earlier Gallup Poll taken in 1966-MAY showed 75% support.

Ballot measures have been voted upon in three of the United States. They showed support at:

46% in Washington (1991)

46% in California (1992)

51% in Oregon (1994); 60% in (1997)¹⁶

The law permitting euthanasia in Oregon went into effect in October 1997 after clearing all court appeals by opponents. Immediately after the law was affirmed, the administrator of the federal Drug Enforcement Administration (DEA) wrote a policy statement warning that the government would impose severe sanctions on any doctor who wrote a prescription for lethal doses of medicine for a patient. By mid-1988, Attorney General Janet Reno reversed this earlier ruling stating that the drug laws were

¹⁵ "Physician-assisted Suicide: In the United States," Religious Tolerance Organization website.

¹⁶ "Euthanasia and Physician-assisted Suicide: All Sides of the Issues," Ibid.

intended to block illegal trafficking of drugs and did not cover situations like the Oregon suicide law.¹⁷ Most recently (Nov. 2001) Attorney General John Ashcroft said that doctors who use federally-controlled drug to help patients die, as permitted under Oregon's law, face suspension or revocation of their licenses to prescribe the drugs. An Oregon judge has temporarily blocked implementation of Ashcroft's decision.

In summary, physician-assisted suicide seems to be:

- ❖ Permitted in Oregon under very tightly-controlled conditions,
- ❖ Not specifically mentioned in the laws of North Carolina, Utah and Wyoming,
- ❖ A crime in all other states.

From this brief discussion, it would appear that the forces against euthanasia in America have prevailed except in Oregon. What we see from this limited victory, however, is that when public policy is being decided by the 'democratic' process on matters already legislated by the Creator, deep wounds are opened in society without lasting satisfaction or benefit to any segment of its citizens. The methods used to express opinion in mass decision-making in 'democracies', i.e. polling, holding elections, etc. are often very expensive, and mobilize religious groups against other well-meaning segments of the society into bitter conflicts that leave lasting polarities among people. In Islam, the acceptance of the decree of the Creator brings closure to such matters and the society is better served by doing so.

¹⁷ "Physician-assisted Suicide: In the United States," Ibid.

Economic sanctions

Economic sanctions as a matter of collective punishment is prohibited in Islam, for Allah, the Exalted says:

«That no burdened person [with sins] shall bear the burden [sins] of another.»
(*Qur'an* 53: 38)

Also, He the Almighty says:

«Every person is a pledge for that which he has earned.»
(*Qur'an* 52: 21)

Economic sanctions as currently used may be the modern equivalent of the military siege,¹⁸ by which armies throughout history sought to compel capitulation by destroying the people's will to resist. As such, economic sanctions must be considered as an act of war conducted by those who possess the power and will to oppress a perceived weaker political entity. Economic sanctions are "diplomatic tools" of oppression backed by military power to crush violators by overt acts of war if necessary to bring about capitulation.

This diplomatic 'big stick' has been used more times by President Clinton than any other leader in U.S. history. He issued more than half the 125 sanctions ever imposed by the U.S.¹⁹ Sanctions may include prohibitions on financial transactions, trade in certain U.S. goods and services, in addition to travel by U.S. citizens to targeted countries. More than 75 countries with over two-thirds of the world's population are subject to U.S. economic sanctions — whether to discourage weapons proliferation,

¹⁸ Christian Science Monitor (April 3, 2000), "Is the West Too Quick to Sanction?" Scott Peterson.

¹⁹ Ibid.

bolstering human rights, deterring terrorism, stifling drug trafficking, discouraging armed aggression, promoting market access, protecting the environment or replacing governments.

Unilateral sanctions almost never work. Secondary sanctions, trying to compel others to join a sanctions-effort by threatening sanctions against them, can seriously harm relations with the secondary states. Sanctions have caused humanitarian suffering (Haiti), weakened friendly governments (Bosnia), bolstered dictators (Cuba) and left countries with little choice but to develop nuclear weapons (Pakistan). Viewed from the U.S. perspective, they are expensive, costing U.S. businesses billions of dollars a year and many thousands of workers their jobs. Economic sanctions are imposed whenever political leaders are not prepared to use military force or carry out more appropriate, but more controversial policies. In fact, they are a form of intervention into the legitimate affairs of other countries that can and often does cause great damage to innocent people without accomplishing the purpose for which it was intended.²⁰

Taking Iraq alone as an example, we see that this once oil-rich country and one of the wealthiest nations in the Middle East, has suffered child deaths numbering in hundreds of thousands due to malnutrition resulting from economic sanctions. There is also an almost total breakdown of health and other basic services, according to U.S. statistics. Even within the UN this has become a moral issue.

It is noteworthy that although these facts are well-known to the American electorate who can, if they wish, voice their

²⁰ The Wall Street Journal (June 19, 1998), "Sanctions Almost Never Work," Richard N. Haass.

opposition, their representatives continue to vigorously support economic sanctions against Cuba, Libya, Iran, and Iraq, for example.

So, we end our brief discussion of special issues related to freedom to express opinion as it has been applied in the ‘democratic process’ in America. These examples have clearly demonstrated that reliance upon opinions expressed by the ‘masses’ in matters prohibited in Islam by The Creator only leads to unhappiness, widespread immorality, antagonisms between the religious community and those who claim to be well-meaning, and — even worse — the destruction of whole generations, as in the case of economic sanctions. We conclude that when a nation’s use of freedom to express opinion for its governance exceeds moral bounds, that nation will accelerate its descent toward the abyss of moral depravity.

﴿And how many a generation [past nations] have We destroyed before them who were stronger in power than they.﴾

(*Qur’an* 50: 36)

We turn now to a fuller discussion of freedom to express opinion in Islam.

Is there freedom of opinion in Islam?

In Islam, freedom to express one’s opinion is not a privilege but a fundamental right that is respected, revered and protected by Islamic law (Shari‘ah). Due to its unique and exalted position in Islam, the freedom to express opinion needs to be defined and clarified in some detail.

So, from the outset, we take great care to clarify what we mean by ‘freedom of opinion’ used in our title. Since the meaning of words vary from language to language, and this is true for the

word 'freedom,' we will examine its meaning in various languages for clarification. 'Freedom' in the Arabic language has many meanings; it denotes purity, clearness and emancipation. In French, 'freedom' means liberty, derived from the Latin word 'liberates' which means the freedom of will to do something or not to do it.

In English, 'freedom' or 'liberty' means "the right to do as you like without being controlled or restricted by anyone including despotic censorship."²¹

In Arabic, the word used for "expression" sometimes means "opinion", while the Arabic word for "opinion" may assume many different meanings pertaining neither to the term "expression" nor to "opinion" as in English.²² For example, in Arabic, "opinion" refers to belief, thought, mediation, consideration, and insight. From the texts of the Qur'an and hadith (Prophet's sayings), we can identify different meanings for 'opinion' in the Arabic language. Among them are the following:

1. Optical vision as in the verse, ﴿There has already been a sign for you [O' Jews] in the two armies that met [in combat, i.e. the battle of Badr]. One was fighting in the Cause of Allah, and as for the others, [they] were disbelievers. They [the believers] saw them [the disbelievers] with their own eyes twice their number [although they were thrice their number].﴾ (Qur'an 3: 13)
'Seeing' here has an Arabic synonym, which means

²¹ This definition of 'freedom' is the author's working definition for the purpose of this discussion. It is recognized that 'freedom' has other meanings.

²² These terms have different meanings in English as well. The author chose a working definition of the English terms and clarified the Arabic, the language in which this book was originally written.

‘opinion’, but this is in Arabic only and the case is different in English.

2. ‘Opinion’ also refers to ‘advice’. Imam ‘Ali (may Allah be pleased with him) said, “I tried hard to advise them; too late they realized the truth of my opinion.” Through this saying of Imam ‘Ali, we can see that ‘opinion’ in Arabic may refer to advice.
3. ‘Opinion’ in Arabic also means ‘mental approval’. That means to rely upon the mind (the intellect) in judging cases. But when there is a text from the Qur’an or hadith deciding a matter, it is forbidden for Muslims to resort to opinion or mental approval. ‘Umar (may Allah be pleased with him) said, “You must avoid the people of opinion (who rely merely upon their minds despite the presence of texts), because they are the enemies of Sunnah (Prophet’s traditions).” They failed to learn hadith; then they depended only upon their opinion (mental approval) and went astray, misleading the others.

Still, to be accurate, none of the previously mentioned definitions capture precisely the meaning of “freedom of opinion”. We attempted to acquaint the reader with the diversity of its meanings in the Arabic language. In the religion of Islam, “freedom of opinion” refers to *the individual’s right to his point of view and to express it without any restrictions as long as he does not violate the teachings of Islam*. In Islam, expressing one’s point of view or opinion is among the good deeds for which Allah rewards the Muslim.

In the words of the Holy Qur’an, the Sunnah (Prophet’s traditions and teachings), and the actions of the pious predecessors, we see the importance of “freedom of expression”

in Islam. Notable examples are:

- ❖ The Qur'anic verses which stress consultation and mutual sharing of ideas and opinion. Allah instructs His Prophet saying: ﴿... consult them in the affairs.﴾ (*Qur'an* 3: 159) He also instructs the believers to be of those ﴿... who [conduct] their affairs by mutual consultation...﴾ (*Qur'an* 42: 38)
- ❖ Tameem ad-Dâri relates that the Prophet (Blessings and peace be upon him) said: "The basis of faith is sincerity." We said, "O' Prophet of Allah! For whom?" He said, "For Allah, the Glorious Qur'an, His Prophet, and the Muslims both leaders and masses."²³ Islam gives the Muslim the opportunity to express his views and thoughts freely to the extent of urging him to sacrifice his life in the cause of truth, and in this cause he will receive the reward of a martyr. The Prophet said, "A word of justice uttered before a tyrannical ruler is the greatest of Jihad (Holy war)."
- ❖ The Prophet (bpuh) used to listen and pay attention to anyone, even the person who was rude or discourteous.

Our religion, Islam, focuses upon enjoining the good and forbidding the bad and considers the Muslim who fails to do so as an unfaithful believer. Abu Sa'eed al-Khudri (may Allah be pleased with him) relates that he heard the Prophet (Blessings and peace be upon him) say, "Anyone amongst you who notices something evil should correct it with his own hands; and if he is unable to do so, he should prohibit the same with his tongue; if he is unable to do this, he should at least consider it as bad in his heart. This (latter) is the lowest degree of faith."²⁴

²³ Narrated by Muslim.

²⁴ Muslim.

Hudhayfah (may Allah be pleased with him) says that the Prophet (Blessings and peace be upon him) said: “By Him in whose hands is my life (Allah, the Almighty), necessarily you should enjoin virtue and check evil, or else Allah will certainly send chastisement upon you. And then you will pray but your supplications will not be accepted.” Imam Tirmidhi has said that this is a genuine and authentic hadith.

Islam contains the ways and means of enjoining the good and forbidding the evil, which in turn promotes and encourages freedom of expression and opinion. These methods are suitable to meet the diverse needs of the Islamic community. Unless the *Ummah* (Islamic nation) observes and makes use of these means, it will not attain righteousness:

- ❖ *Ijtihad*: That effort a jurist or a legislator makes to deduce the law which is not evident from its sources (Qur'an and hadith). Ijtihad helps people to deepen their understanding of the points being questioned in Islam, to discuss the criteria of Islam according to shari'ah (Islamic law) and further to appreciate the methods applied by Ijtihad to resolve current issues.
- ❖ *Shoora* (Consultation) is of great value in conducting the affairs of the *Ummah* (nation). The Messenger of Allah used to consult his companions and give them the right to express their opinions. If the *Ummah* applied the principle of consultation, there would be freedom, security, and stability.
- ❖ *Ihtisâb* means confronting evildoers for the sake of preserving the Islamic public order. *Ihtisâb* is to be performed by any Muslim whether or not he is a member of government. Caliph 'Umar ibn al-Khaṭṭâb used to

wander about in the market and forbid cheating and unfair trade practices. Subsequently, with the expansion of the Islamic state, Caliphs appointed an official (called *Muhtasib*) to perform this duty in the different countries.

- ❖ Enjoining (request, encourage, advise) what is good and forbidding what is evil and we have mentioned that the Muslim who does so, has great status before Allah. Mutual advising among Muslims reinforces righteousness of the community as a whole.

The Companions of the Prophet (*Ṣaḥâbah*) and their immediate followers (*Tâbi'een*) did not hesitate or fear to advise one another, to enjoin virtues and forbid vices. The Muslims of that period were pious, so they accepted advice without arrogance or feeling superior. They found "the good example" in the Companions of the Prophet. Every Muslim had the right to speak with and to question the Caliph or the ruler for himself.

It is related that the Caliph 'Umar ibn al-Khaṭṭâb was to deliver a speech and the Muslims received Yemeni garments as gifts from a Yemeni delegation, just before he was to speak. When the gift was distributed, 'Umar took one garment and his son 'Abdullâh took another one just as anyone of the general public would do. 'Umar, in his speech asked people to listen and obey, then a man said 'I will not listen and obey'. 'Umar asked "Why?" "The man said, "Because you have two garments whereas we have only one each. 'Umar said, "Don't be hasty in your conclusion." Then he called for his son 'Abdullâh and said to him, "Does the garment which I wear belong to you?" 'Abdullâh said, "Yes". The man said, "Now we listen and obey." This situation indicates that the man, of course, enjoyed a great degree of freedom to oppose and converse with the Caliph in public.

On another occasion, ‘Umar (may Allah be pleased with him) addressed the Muslims saying: “Put me right if you discover any crookedness in me.” One of the audience retorted: “By Allah, if we had found any crookedness in you we should have put you right with our swords.”

Abu Bakr (may Allah be pleased with him), the first Caliph, said: “Obey me so long as I obey Allah and His Prophet. But if I disobey Allah or His Prophet, I shall no longer be entitled to your obedience.”

Islam means “submission to Allah”, so when faced with a Qur’anic text we should yield to Allah’s words without resistance, or reserving a place for Ijtihad (Independent judgement) or to offer our own views. In the absence of the text, expressing opinion or point of view is acceptable.

A situation occurred during the battle of Badr that shows that every Companion could express his view, even with the Prophet, so long as there was no contradiction of a Qur’anic text. Before the battle, the Muslims encamped on the farther bank of the valley. The Prophet (Blessings and peace be upon him) stopped at the nearest spring of Badr. Al-Ḥubâb ibn Mundhir asked him, “Has Allah inspired you to choose this very spot or it is a stratagem of war and the product of consultation?” The Prophet replied, “It is a stratagem of war and consultation.” Al-Ḥubâb said: “This place is no good; let us go and encamp on the nearest water well and make a basin or reservoir full of water, then destroy all the other wells so that they (the enemy) will be deprived of water.” The Prophet (Blessings and peace be upon him) approved of his plan and agreed to carry it out, which they actually did at midnight. We notice that the Prophet changed his plan and accepted his Companion’s opinion.

Ibn al-Qayyim mentioned that Ibn Mas'ood (may Allah be pleased with him) disagreed with 'Umar ibn al-Khaṭṭāb (may Allah be pleased with him) on one hundred religious issues though Ibn Mas'ood was a ruler under the Caliphate of 'Umar. That means that Ibn Mas'ood had the right to express his opinion even though his opinion was contrary to that of the Caliph.

In Islamic political history, we find many instances where an opposing political opinion or political opposition is expressed, but opposition in Islam is disciplined and respectful.

During the Caliphate of Abu Bakr, 'Umar, 'Uthmān and 'Ali (may Allah be pleased with them), some Muslims did not submit to them as Caliphs. The Muslim who did not accept the authority of the Caliph was not treated as a traitor or dissident unless he openly rebelled or rejected practices in Islam. Bukhari and Muslim related that 'Ali did not recognize Abu Bakr as Caliph till the passing of six months. Then 'Ali declared his acceptance of Abu Bakr as Caliph and Abu Bakr did not fault him. 'Ali, in the sight of Abu Bakr was not a separatist or subversive.

Imam Abu Ḥanēefah, when he spoke of freedom of expression and opinion, said that it is illegal to jail or punish anyone who opposes either the Caliphate or government, unless he makes armed rebellion, causes confusion, or terrifies countries. Abu Ḥanēefah, in order to support his opinion, said that when 'Ali was Caliph and *Ameer* (Leader) of believers, five men in Koofah swore at him. One of them threatened to kill him. 'Ali's men arrested them. But 'Ali asked his men to release them. One of 'Ali's men said to him, "You want to release them and they threatened to kill you." 'Ali said to the man, "You want me to kill one that didn't kill me." The man said, "But he swore at you." 'Ali replied, "You can swear at him or leave him."

Abu Ḥaneefah provided further verification for his opinion regarding opposition to government by the declaration of ‘Ali (may Allah be pleased with him) concerning *al-Khawârij* (who were opposing ‘Ali). ‘Ali said to the *Khawârij*, “We will not forbid you from entering mosques and praying for Allah; we will give you your share in the spoils so long as you support us, and we will not fight you unless you fight us. This declaration of ‘Ali shows that he gave the opposition the right to oppose him and he refused to fight or arrest them unless they took up arms against him. Through all the mentioned instances, it is clear that Islam is the religion of freedom, the religion that forbids any kind of suppression or oppression.

THE FREEDOM OF OPINION IN ISLAM

Guarantees for freedom of opinion

*I*slam has inherent values and practices that guarantee the perpetuation of freedom of expression and opinion and which motivate Muslims to express their opinion without fear or restriction. In this section, some of these inherent guarantees will be discussed with examples from the Qur'an and Sunnah.

First, there are rewards for the Muslim who, to support justice, gives advice to others and speaks the truth; and rewards for the Muslim who, for the sake of Allah, does not conceal evidence or withhold witness. Abu Ruqayyah Tameem ibn Aws-ad-Dâri relates that the Prophet (Blessings and peace be upon him) said: "The basis of faith is sincerity. We asked, "O' Prophet of Allah! For whom?" He said, "For Allah, the Glorious Qur'an. His Prophet, and the Muslims, both leaders and masses."

Second, there are prohibitions against frightening, jailing, torturing, or using any kind of punishment against Muslims who express their opinions lawfully. According to a verse in the Holy Qur'an, anyone who gives witness should not suffer harm. Allah, the Exalted, the Almighty says:

﴿Let neither scribe nor witness suffer any harm, but if you do [such harm], it would be wickedness in you. So be afraid of

Allah.﴾

(*Qur'an* 2: 282)

The Prophet (Blessings and peace be upon him) said: "Allah will torture those who torture people in the world." He also said, "It is not lawful for a Muslim to frighten another Muslim."

Third, the Muslim community is responsible for supporting and protecting any Muslim who expresses his opinion as long as this opinion pertains to enjoining what is right. The following hadith of the Prophet (Blessings and peace be upon him) guides us to this point. The Prophet (Blessings and peace be upon him) said: "Help your brother, whether he is an oppressor or oppressed." People asked, "O' Allah's Messenger! It is all right to help him if he is an oppressed, but how should we help him if he is an oppressor?" The Prophet (Blessings and peace be upon him) said, "By preventing him from oppressing others."

Fourth, Muslims are instructed to hold a good opinion of others, without any suspicion or doubt about their actions and intentions. It is related that while the Prophet (Blessings and peace be upon him) was distributing booty, a man said to him, "O' Muhammad! Fear Allah! This is an unfair distribution." Khâlid ibn al-Waleed (may Allah be pleased with him) asked the Prophet to let him punish this impolite man. The Prophet (Blessings and peace be upon him) said, "Don't harm him, perhaps he prays." Khâlid said, "Some people say with their lips what is not in their hearts!" The Prophet said, "I am not asked to open people's hearts and see what is in them." The Prophet (Blessings and peace be upon him) taught us that we should deal with Muslims with good faith regardless of what may be in their hearts.

Fifth, Islam guarantees easy access to the ruler and the right to express an opinion before him. It is narrated without doubt that the Messenger of Allah (Blessings and peace be upon him) and the

four Caliphs who came after him had no guards or doorkeepers. They mixed with the people, listened to them and gave them their rights.

From the stories of the Caliphs it is mentioned that Khosrau's envoy was astonished to see 'Umar ibn al-Khaṭṭāb, the well-known Caliph, sleeping under a tree like one of the public and without distinction between him and any simple man. The Persian man said that 'Umar spread justice so he felt at peace and slept just as any of his subjects.

From another account, the son of Bilāl (may Allah be pleased with him) visited 'Umar ibn 'Abdul-'Azeez, the Caliph, and found a doorkeeper. When he met the Caliph, the Caliph asked his advice. The son of Bilāl advised the Caliph saying that the Prophet (Blessings and peace be upon him) said, "If a Muslim ruler used door-keepers to keep him apart from people, he would be kept apart from Allah on doomsday." On hearing this hadith, 'Umar ibn 'Abdul-'Azeez asked the doorkeeper not to stand before his door again and spent the remainder of his Caliphate without doorkeepers. Abu Moosa al-Ash'ari (may Allah be pleased with him) said, "If a Muslim ruler closed his door before the weak, oppressed, and needy people, he would be deprived of Allah's mercy." Thus, we see that Islam stresses easy access to the ruler and, of course, this principle helps inspire freedom of expression and opinion.

Sixth, Muslims have the right to sue the state if the state denied any one of their rights. Another guarantee is the independence and separation of the judiciary from all authorities even the authority of the Caliph.

It is related that 'Umar ibn al-Khaṭṭāb (may Allah be pleased with him), even when he was Caliph, stood before the

judge as an antagonist. Also, ‘Ali (may Allah be pleased with him) stood before the judge due to a dispute with a Jewish man.

The following story illustrates the point that in Islamic law no one is above law and anyone can be sued even if he is a ruler or a Caliph. When ‘Amr ibn al-‘Âṣ was the governor of Egypt under the Caliphate of ‘Umar ibn al-Khaṭṭâb, it happened that an Egyptian man travelled from Egypt to Madeenah to meet ‘Umar ibn al-Khaṭṭâb. When the man met ‘Umar, he said: “O’ *Ameer* (Commander) of the believers! I take refuge with you, I have been oppressed.” ‘Umar said to him, “You will be helped, what is the matter with you?” The man said, “I raced with the son of ‘Amr ibn al-‘Âṣ and beat him. He became angry with me and whipped me, saying ‘I am a son of the nobles’.” ‘Umar sent a message to ‘Amr asking him to come accompanied by his son. When they came, ‘Umar brought the Egyptian man and gave him a lash to whip the son of ‘Amr. The Egyptian man whipped the son of ‘Amr as he wished. ‘Umar then asked the Egyptian man to whip ‘Amr himself, but the man refused to whip ‘Amr saying, “His son is the one who whipped me and I whipped him.” ‘Umar then said to ‘Amr, “Since when have you enslaved people and their mothers begot them free?” ‘Amr said, “I did not know and the man didn’t refer to me.”

Seventh, and finally, it is not acceptable in Islam to impose an opinion in the case where other opinions are possible. On any issue where various opinions are possible, everyone has the right to express his opinion freely without restriction or adverse influences.

Results of freedom of opinion

Establishing freedom of expression and opinion in any community will doubtlessly be a basis for peace, security, and stability. By institutionalizing freedom of opinion, the community will be brought under the mantle of constitution, real constitution not merely codes which are not enforceable. Briefly, freedom of opinion contributes to the following benefits.

- ❖ Growth of mutual confidence and removal of any grudge or hatred, and allowing social critics and intellectuals to be creative and to express their views without restrictions.

When people are banned from openly expressing their opinions, they resort to secret methods, which undermine the stability of society. Currently, in our world, we see violent groups and movements that have resorted to the use of weapons and assassinations as an extreme means of expression. We find, in some cases, that movements feel obliged to use force because they experience oppression. This happens not only in the Third World countries but also in the developed countries. In America and Europe, for example, the Red Army and the Leftist movements resulted from this loss of freedom. Also, from time to time, we see Islamic groups, which charge their communities with infidelity and call for large-scale migration away from the surroundings of unbelievers. They want to say that “freedom of opinion” is a lost cause despite their government’s claims to the contrary.

- ❖ Correction of some concepts, acceptance of new ones, and discarding others. These changes occur as a result of

constructive dialogue and mutual consultation between parties of the community where there is freedom to express opinion.

- ❖ Adjustment of the progress of the society achieved through mutual advising, obeying Allah's commands, avoiding Allah's prohibitions, enjoining the good, and forbidding the evil. Neglect of these principles results in impiety, transgression, and oppression. Nowadays, we see multitudes that commit many sins without being advised or warned, and this laxity, of course, leads to the destruction of the Muslim community.

There is a hadith that bears on this point. An-Nu'mân ibn Basheer (may Allah be pleased with him) narrated that the Prophet (Blessings and peace be upon him) said: "The example of the person abiding by Allah's orders and restrictions in comparison to those who violate them is like the example of those persons who drew lots for their seats in a ship. Some of them got seats in the upper part, and the others in the lower. When the latter needed water, they had to go up to bring the water (and that troubled the others), so they said, 'Let us make a hole in our share of the ship (and get water) to avoid troubling those above us.' So, if people in the upper part left the others to do what they had mentioned, all of them would perish, but if they prevented them (from doing so) both parties would be saved." This hadith indicates that if we let wrongdoers do as they wish without forbidding them, the community would perish.

- ❖ Creation of conscious public opinion based upon the country's interests. An informed public opinion can preserve freedom and oppose any force that seeks to suppress or restrict this freedom. We can realize the fruits of public awareness in the developed countries, when an

official, regardless of his position, finds it necessary to vacate his office in resignation. For example, Richard Nixon, the former president of the U.S.A., and Lady Thatcher renounced their positions in response to the pressure of public opinion. This matter differs greatly among Third World countries where officials and rulers often retain their positions for life unless removed by a coup d'état or assassination. Sometimes rulers flee to avoid severe public sanctions such as the deposed shah of Iran, an-Numeiri of Sudan, Ferdinand Marcos of Philippines, Duvalier of Haiti, Mengistu of Ethiopia, and Siad Barre of Somalia. They all were rulers who suppressed public opinion and forbade any kind of public expression, to the extent that they had to flee their countries amid crisis and social upheaval.

- ❖ Benefits of institutionalized freedom to express opinion can be seen when opposing views are contained and channelled to constructive rather than destructive ends.

The history of Islam provides many examples that show containment of opposition through disciplined dialogue. To illustrate this point, we cite a debate between 'Abdullâh ibn 'Abbâs (may Allah be pleased with him), one of the Prophet's Companions and a great scholar of the *Ummah*, and a group of *al-Khawârij*, enemies of 'Ali ibn Abi Tâlib. The *Khawârij* were preparing to fight against 'Ali, and Ibn 'Abbâs asked 'Ali to let him have dialogue with them. At first, 'Ali feared that they would harm Ibn 'Abbâs but he agreed to his request.

Ibn 'Abbâs put on his best Yemeni garment and went to them while they were taking an afternoon nap. To shame him for his handsome dress, they said to him, "What is this garment?" In response, he recited from the Qur'an: ﴿Say: Who has forbidden

the adornment with clothes given by Allah, which He has produced for his slaves, and things clean and pure, [which He has provided] for sustenance?» (*Qur'an* 7: 32) He also said, "I saw the Messenger of Allah (Blessings and peace be upon him) wearing the best Yemeni garments." They were convinced and asked, "Why have you come?" He responded, "I am the envoy of the cousin of the Prophet Muhammad, and his Companion, 'Ali ibn Abi Ṭālib." He continued, "The Companions of the Prophet have more knowledge of the Qur'an and revelation than you, so why did you separate yourselves from 'Ali and bear a grudge against him?" They said, "We blame him because of three points.

1. First, 'Ali made the "command" rest with men and this contradicts what Allah said in the Qur'an, «the command rests with none but Allah». Ibn 'Abbâs, to refute their pretext stated, "Allah, the Exalted, the All-Glorious has made 'the command' rest with men in the case of a quarrel between wife and husband by His Saying, «Appoint two arbiters one from his family, and the other from hers.» (*Qur'an* 4: 35). So 'Ali resorted to appoint arbiters in a very serious case that is the concern of the *Ummah* and its unity." The *Khawârij* were convinced and accepted Ibn 'Abbâs's opinion.
2. The second matter we hold against 'Ali is that he did not agree to be the *Ameer* of believers, therefore he became the *Ameer* of the disbelievers. Ibn 'Abbâs asked, "If they would change their minds if he gave them evidence from Sunnah." They agreed. He told them, "When the Prophet, intended to perform 'Umrah in the month of Dhul-Qa'dah, the people of Makkah wouldn't let him enter Makkah till he promised to stay there for only three days. The treaty document was written, stating that 'These are the terms on

which Muhammad, the Messenger of Allah, agreed to make peace.' On seeing these words, they said, 'We will not agree to this, for if we believed that you are Allah's Messenger we would not prevent you, but you are Muhammad ibn 'Abdullâh.' The Prophet (Blessings and peace be upon him) stated, 'I am Allah's Messenger and also Muhammad ibn 'Abdullâh.' Then he instructed 'Ali, 'Rub out (the words) Allah's Messenger.' 'Ali refused, saying, 'No, by Allah, I will never rub off your name.' So, the Prophet took the document and rubbed out the phrase 'Messenger of Allah' so that it read, 'this is what Muhammad ibn 'Abdullâh has agreed upon.' This shows that the Prophet (Blessings and peace be upon him) himself removed his title; hence, 'Ali is not to be blamed when he suspended his title as *Ameer* of the believers." The *Khawârij* said, "You are right."

- 3) "There is a third matter that 'Ali had no right to do." Ibn 'Abbâs said, "What is this matter?" They said, " 'Ali fought and killed, but he didn't capture or take spoils." Ibn 'Abbâs said, "Your mother 'Â'ishah (may Allah be pleased with her), the widow of the Prophet, was among the other army who was fighting against 'Ali. Do you want to capture the mother of the believers and deal with her like just any woman? If you accept that, you would be non-Muslims, because Allah says: ﴿It is not [right] for you that you should annoy Allah's Messenger nor that you should ever marry his wives after him [his death].﴾ (*Qur'an* 33: 53). You should abide by Allah's orders."

The result of this debate was that two thousands of them returned to 'Ali and gave up fighting against him.

This debate is a great evidence of the importance of the peaceful dialogue. It also shows that freedom of expression and opinion

can prevent bloodshed and put an end to misunderstanding, because each party of the dispute can express his views and try to convince the other party by persuasion.

❖ Freedom to express opinion has been a dynamic factor contributing to the material progress of nations. The lack of this freedom is a primary reason for the backwardness of the third world countries, especially the Muslim countries. The peoples of the developed countries enjoy freedom in expression, opinion, and thought. So we can attribute their progress to the dynamic role that freedom of expression has made in their lives and culture, and has established them as leaders of the world. They are committed to maintaining this freedom, because by its effective application they achieved progress, wealth, prosperity, and flourished as a civilization.

If the mind feels oppressed, nonsense and superstition are likely to be its products because it becomes unable to produce useful thoughts. When some of the Muslim thinkers or scientists experience oppression, they flee to non-Muslim countries where they are well-received and a niche is built for them in universities and research centres.

Ways of expressing opinion

*I*slam is a moderate religion that admits no extremities in its permissions or prohibitions. It assumes a balance in what it permits or prohibits within specific limits. This quality is easy to discern by anyone with the slightest knowledge of the spirit of this

great religion.

The manner in which one may express one's opinion may be defined as permissible or impermissible, as in all Islamic matters.

The permitted ways of expressing opinion are numerous; among these are the following:

- ❖ Using one's hand (to take action) to change something wrong, if it is possible. The proper way, this may be accomplished, differs according to the circumstances, the wrong done, and the wrong-doer. A father, for example, can change the wrong of his family by providing guidance and direction. The "boss" is accountable for his use or abuse of his office and the ruler is answerable for his rulership over his subjects. Rulers (or those in positions of authority) must undertake the task of changing wrong unless doing so leads to further wrong, in which case they have to abstain from taking action and use other means.
- ❖ Using the tongue to forbid evil deeds. This method is readily available to most people, provided they possess the knowledge and ability to address the issue in the proper way to bring about the desired change.
- ❖ Changing it within the heart, that is, if a person is unable to change the wrong with his hands (actions) or his tongue (speaking out), he can at least feel offended by it. So, when a person can not change a matter that Allah has forbidden, he has the option to remove himself from the place where the sins are committed and thus avoid the compulsion of having to relate to wrongdoers. The Prophet (Blessings and peace be upon him) ordered: "Anybody amongst you who notices something evil should correct it with his own hands; and if he is unable to do so, he should prohibit the

same with his tongue; if he is unable to do this, he should at least consider it as bad in his heart; this is the lowest degree of faith.”

- ❖ Having “the positive attitude”, which means that when you want to express your opinion, speak in a way that is understandable to other people about your position. For example, peaceful demonstrations are effective means to express a political or social opinion. This technique is widely used in many countries throughout the world.
- ❖ Finally, having “the negative attitude” which is directed towards an evil act or prohibited behaviour. This approach uses the techniques of civil disobedience (refusing to comply or ignoring) and boycotting specific targets to achieve desired goals. Again, if a person has the “negative attitude” towards the wrong but is unable to change the detested matter, he can take action to avoid it by leaving the place where vices are committed, and this reflects the proper “negative attitude” towards wrongdoing.

Ghandi, the renowned Indian leader, made this technique famous by staging an effective boycott against British goods and subsequently, led thousands of Indians in a march to the sea to get salt, thereby avoiding established British sources. These days, “the negative attitude” can be seen in the boycotting of goods produced by the enemy and the rejection of all co-operation with him, whether supportive, economic, political or intellectual, as is the stance against Israel, the first enemy of the Muslims and the Arabs.

In the biography of the Prophet (Blessings and peace be upon him) there is a story showing that in some cases we should avoid wrongdoers and not have dealings with them. In this story,

al-‘Abbâs related that the Prophet’s uncle Ḥamzah, cut off the humps of two she-camels that belonged to ‘Ali. The Prophet (Blessings and peace be upon him) went to investigate the matter. He met Ḥamzah, but Ḥamzah was drunk. So, the Prophet (Blessings and peace be upon him) avoided talking to him, because the intoxicated person may cause harm to others. Actually, when Ḥamzah saw the Prophet (Blessings and peace be upon him), he looked at him aggressively and said to the Prophet (Blessings and peace be upon him) and his Companions “Are you (not) but the servants of my father?” On hearing this, Allah’s Messenger turned on his heels. From this story we see that the Prophet (Blessings and peace be upon him) avoided speaking with Ḥamzah due to his drunken condition and we should follow the Prophet’s example.

So, in many stances we find that Islam does not inhibit freedom of expression and opinion. When advising others, correcting wrong acts, enjoining what is good and forbidding what is bad, every Muslim is entitled and encouraged to express his opinion and he commits a sin if he sees a wrong matter and makes no attempt to correct it. The Glorious Qur’an stresses this fact.

﴿Those among the Children of Israel who disbelieved were cursed by the tongue of David and Jesus, the son of Mary... because they disobeyed and were ever transgressing beyond bounds. They used not to forbid one another from the sins which they committed.﴾

(Qur’an 5: 78-79)

The noble *Sunnah* also affirms the importance of wrong done in the Muslim community. The Prophet (Blessings and peace be upon him) says, “By Him in whose hand is my life (Allah the Almighty), necessarily you should enjoin virtue and check evil, or else Allah will certainly send chastisement upon you. And then you will pray but your supplications will not be accepted.”

Forbidden ways of expressing opinion

On occasions, people express their views or opinions in ways that are forbidden. Some of these forbidden methods are mentioned here to caution Muslims to avoid them.

- ❖ Publicizing obscenities and perversions under the pretext of freedom of expression. Some people publicize pornographic photographs and literature, and vulgar, obscene speech under the pretence that to do so is freedom and others have a right to it. Other people use singing, dancing and obscene poetry or art to express similar thoughts and opinions. These methods of expression are prohibited by Islamic direction and are in defiance of Allah's orders. It is stipulated by definition that "freedom of expression" should be in the framework of the Islamic public order.
- ❖ Destroying public utilities as a means of expressing opinion. Some people who hold dissenting views demolish or set fire to public utilities to express their opposition or point of view. Such a means of expression is forbidden in Islam. The Prophet (Blessings and peace be upon him) said, "Your blood, your properties are as sacred to one another as the sanctity of this Day of yours, in this town of yours, in this month of yours." (Bukhari) In Shari'ah (Islamic law), there is a very important rule that 'no one should cause any harm to himself or any other Muslim.' Therefore, setting fire to a car or destroying a market or a building, in the name of Islam, is contrary to the teachings of Islam.
- ❖ To display attitudes or to behave in ways that are directly opposed to social convention, i.e. to flout social convention

by radical forms of behaviour while claiming one's right to "freedom of expression," is unacceptable in Islam. It is common these days to see people wearing outlandish hair styles and modes of dress, using coarse language, showing affection in public, and the like. Such acts lead to a diminution of the morals, first of the individuals involved, followed by the society as a whole. In Islam, when we wish to express a difference of opinion or opposition in a matter, we are to do so politely and in accordance with shari'ah (Islamic law).

Allah has even instructed Muslims not to speak unkindly to disbelievers about their gods. Allah says (which means): "And insult not those whom they (disbelievers) worship besides Allah, lest they should insult Allah wrongfully without knowledge." This injunction against speaking offensively to non-Muslims about their object of worship underscores the requirement that Muslims express even their negative opinions correctly, in ways that are lawful.

- ❖ Suicide is a prohibited means of expressing opinion, regardless of the means by which it is done, i.e., drowning, immolation, hanging, or by act of bravery. Suicide is a common phenomenon in Asia, India, Europe and America. In the latter, use of a hand gun is the most common way of self-murder.

There are hadiths (Prophetic sayings) that forbid suicide or self-torture. The Prophet (Blessings and peace be upon him) says: "He who commits suicide by throttling himself shall keep on throttling himself in the Hell-fire (forever), and he who commits suicide by stabbing himself shall keep on stabbing himself in the Hell-fire."

Freedom to express opinion: Islam vs Human legislation

*F*reedom to express opinion, as set forth by the United Nations (UN) in the Universal Declaration of Human Rights (UDHR),²⁵ implies that all people have the right to express their opinion without censorship or obstruction, regardless of the method used to express it, whether by direct contact with other people in writing, by mail, broadcasting, theatrical or cinematic presentation, or news print.

Article 19 of the UDHR states that everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any medium; regardless of geographic frontiers. Constitutions of many countries state the same right, but institutionalizing and enforcing the ideals expressed in these constitutions, thereby making them a reality, remains a problem.²⁶

In fact, we find that what constitutes “freedom of opinion” in one country may be quite different from the way it is

²⁵ On December 10, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. Following the historic act, the Assembly called upon all member countries to publicize the text of the Declaration and “to cause it to be disseminated, displayed, read and expounded principally at schools and other educational institutions, without distinction based on the political status of countries or territories.”

²⁶ Muslims believe that the first universal declaration of human rights came with Prophet Muhammad (bpuh) through the text of the Glorious Qur'an and the noble Sunnah.

understood or expressed in another, or even within the same country. Under regimes based upon secular ideologies or autocracy, e.g. communism or Bâ'th party, "freedom of opinion" has a different meaning than it does in a "democratic" society. While claiming "freedom to express opinion", the ruled are only free to hail the party in power, praise and defend the party line, and support the despotism of the regime. Anyone expressing a contrary opinion may face death or, at least, be accused of treachery and conspiracy, which carries severe penalties.

The history of political crises often shows that, during crisis, once friendly persons or nations can suddenly be transformed into enemies due to their point of view. The Gulf crisis, for example, shows how persons once considered friendly and as honest, trustworthy "pillars" and models of society were overnight labelled as traitors and enemy agents. At the same time, nations once considered friendly are now enemies. If we read the headlines of the newspapers after the new regime assumes power, we observe the former "pillar of society" now labelled an enemy agent, the once devoted leader is now called a drunkard, and the loyal patriot is branded as a traitor for an alien country.

When comrades oppose one another in the political arena of public opinion, the one who triumphs charges his opponent, his recent friend, with personal ambition at the expense of public interest. He further describes himself as the only leader working for the prosperity and welfare of the people and the nation (sometimes referred to as "Motherland" or "Fatherland"). Thus, he acquires the status of cult hero. Photographs, statues and images of his likeness can be seen everywhere, sometimes even in mosques. Many poems and songs are written praising him. When such a leader falls, his statues are removed and any sign of his

glorification vanish. With his demise, a new aspirant succeeds to power and new statues, images, etc. portraying his eminence are displayed. For many years, it was unthinkable that Stalin's statues would be demolished, but we witnessed people removing statues of Stalin and Lenin and hitting them with their shoes.

Dictatorial systems centralize power in a single person or organ of authority. Often one party has power over the people, one centralized committee has power over this party and only one person has power over the committee.

Most of these political systems do not admit to dictatorship; on the contrary, they claim that they are democratic systems. Sometimes they even allege that they are enjoying greater democracy than the western countries. These dictatorial systems often come to power through a coup led by a segment of the military that is accustomed to giving orders to be obeyed or receiving orders to be followed. The rulers in such systems give directives to their people, but also receive direction from political allies outside their borders. These self-appointed rulers acquire their legitimacy through what they call "revolutionary legitimacy". Subsequently, they solidify their power by instituting laws that serve their Machiavellian aims.

This new legal system abolishes the constitution (if any existed) and eradicates any legislation that challenges the legitimacy of the regime installed by the coup. So radical are such political upheavals that justifications abound for the extreme measures taken, such as detention, torture and murder. The "legal" basis for this methodical oppression is often codified in law as "emergency laws", "martial laws" and special powers or "ad hoc" laws.

Great similarity exists between dictatorial systems everywhere.

They all glorify the leader, the great dictator, sometimes to the extent of deifying him as the “nation incarnate.” The leader, thus, becomes infallible and invincible; glorious battles are fabricated to depict the leader as the triumphant warrior and saviour of his people, like the battles which depicted Kamal Atatürk as an unbeatable hero. Also, the failure of the tripartite aggression on Egypt by Israel, Britain, and France was hailed as a great victory for ‘Abd an-Nâsser, the then President of Egypt.

This discussion of dictatorship calls to mind an amusing incident that occurred when Nikita Khrushchev, the former soviet leader, in an address to the Soviet Parliament criticized Stalin and his policies. He received a note from someone in the audience inquiring why he didn’t express his views while Stalin was alive. Khrushchev asked the identity of the questioner, but no one dared to respond. Khrushchev smiled and said, “What forbade me to express my opinion during Stalin’s life is the same reason which made the questioner conceal his identity.”

In Muslim countries, poetry was used as a medium to describe the restrictions imposed upon the “freedom to express opinion”, and it became a magnificent vehicle (means) for making known the great significance of freedom of opinion and any obstacles to it. Poets also wrote to express their opposition to oppression and to abuses suffered by their people.

The liberal systems

*I*n the liberal systems, freedom to express opinion is widely practiced and, without a doubt, people are able to express

their opinion without restriction or censorship. Many countries, due to “freedom of expression and opinion” and other factors, achieved great progress in various fields. These countries granted their people the right to freedom of opinion and expression.

However, we have some comments on the access to this freedom, or the lack of it. Governments of countries in the developed world recognize the value and power that freedom to express opinion provides to its citizens and political systems to the extent that they do not want countries of the developing world to enjoy these benefits. In their view, freedom of expression within the developing world would not be in the interest of the dominant developed world and, therefore, should be suppressed.

In addition, often opinions expressed and accepted in developed countries are those which are objectionable and rejected by Islam, especially when such free expression leads to blasphemy or transgression against morals, customs, and religion itself. Witness parliamentary bodies of western governments sanctioning homosexuality, incest, and gambling. Their constitutions permit these perversions to become lawful.

A third comment is that within such governments, control of freedom of opinion is manipulated by whoever has control of the mass media. Clearly, control of mass media in the developed world (and beyond) is in the hands of business and commercial interests, political interests and Zionists. The information, content, style and frequency of presentation serve their interests only, even to the gross omission or manipulation of opposing ideas or opinions.

This use of mass media within one’s own country is also a means of influencing or determining public attitudes, opinions and governmental policy toward or against another country. If the

source of the media is from outside the targeted country, then the intent of the source country may be to influence or determine their ideas, their policy, economy and beliefs.

Professor Herbert Sheller sees mass media as an instrument and extension of the “American Empire,” America’s scope of influence and dominance in the world. This “American Empire” began to expand in the world after World War II, especially in Third World countries recently granted their independence. To affirm the hegemony of American culture throughout the world, Prof. Sheller, cited the use of television programmes which invaded most countries all over the world. By doing so, these countries now must defend their cultural values and identities against the American cultural invasion. A common response to those persons who defend their cultural and ideological identity against the “informational and cultural occupation” is to face a horrible and brutal information campaign, and be branded as traitors, backward, or reactionary to the previous, now extinct, regime.

Notes on freedom of opinion in the world today

*T*hough all countries are members of the United Nations (UN) and ratified its Universal Declaration of Human Rights (UDHR), we affirm that the constitutions of many of these countries are only “ink on paper.” Many Third World countries, the former communist block nations, and the despotic systems of

the world placed ironclad restrictions on the people lest they should express their opinions. We see evidence resulting from their oppression in the mass graves of the opposition such as happened in Romania, Bulgaria and Albania, and most recently in Bosnia, Kosovo and other parts of former Yugoslavia.

In many countries, the practice of ruling systems is to eliminate opposition by use of heinous methods. If you were to investigate the death of a member of the opposition who has been detained, you will be surprised to learn that he committed suicide or was killed while trying to escape from jail. The bombing, torture, rape, mass murder and mass graves for Muslims in Romania and Yugoslavia bear witness to these oppressive tactics. In addition, genocide has been conducted against Muslims in Russia, China, Albania, Bulgaria, Liberia, Philippines, Thailand and Burma, under the pretext that they were opposing the ruling systems. Finally, who can forget the “killing fields” of the regime of Pol Pot in Cambodia?

The Amnesty International Organization’s annual report documents numerous heinous acts of despotic systems against people who seek freedom to express their opinion. Many newspapers and magazines carry news and articles about these horrible practices. The following are just a few examples:

In an essay published in *ash-Sharq*, a Qatari newspaper, Fahmi Hwaidi reported the kinds of abuses some people face while trying to express their opinion. He wrote:

“There is a report issued by ‘Al-Ahram Centre for Political and Strategic Studies’ that shows violations committed against the freedom of opinion and expression and even against humanity. Anyone who reads the report of the ‘Amnesty International Organization’ for the year 1988, or the third report of the Arab

Organization of Human Rights for the same year, will be shocked by the magnitude of violations of human rights in the Arab world. It is astounding to read that one Arab country practices 38 methods of torture against political prisoners. The most merciful method of torture is striking all parts of the body with fists, feet, leather straps, lashes, sticks, hammers, and braided steel wires. Many of the other methods used have special names, such as wind-carpet, the ghost, the black slave, the German chair and the washing machine. These names refer to the techniques and tools used to torture the innocent victims and are now symbols of oppression, suppression, and disgrace. Some of these methods tear parts of the body, destroy the back-bone and other bones, crush the limbs, and some of them pierce the chest and back with a hot, sharp, metal bar.”

Fahmi Hwaidi continues: “I saw a young scientist who lost his hands and parts of his arms after they were immersed in Sulfuric acid for some hours. In London, I heard about a patient whose blood vessels curved because he was hanged from his legs for some weeks. When the patient narrated the incident to his English doctor, the doctor cried and insisted on informing all of the international organizations.”

A friend of Fahmi Hwaidi told him that his jailers put rats in barrels of gasoline to make them frantic. Then, the rats were released to attack the fettered prisoners, snapping at them till death unless they did as they were told. Hwaidi continues citing examples of violations of human rights and says, “When I was in the U.S, I met with a professor who was exposed to a heinous form of torture. An electric iron was put on the two sides of his head till it burnt his hair and skin. The iron was about to madden him. The tragedy lies in the fact that the professor wasn’t the wanted person, but was arrested by mistake. He was told that what

happened to him was in the national interest. The professor, noticing my deep sadness due to his account, assured me that his case was better than that of a fellow prisoner who was forced to sit on the neck of a broken bottle till he died.”

These few examples merely “scratch the surface” compared to the numerous accounts contained in other reports. The violations are by no means confined to cases of torture; there are other horrendous violations of human rights like executions without trial, detention of innocents without criminal charges and the collective punishment of whole populations. All of these violations are practiced against the so-called political opposition and anyone who utters a word that doesn’t appeal to the rulers in tyrannical systems (regimes).

Sometimes, we are chagrined to see western countries honouring people who are well-known for their heinous crimes against humanity and human rights, such as the dethroned Shah of Iran. Menachem Begin, the terrorist who killed children and women in Deir Yaseen, was honoured in 1977 and awarded Nobel prize for his efforts in the peace process in the Middle East.

In most systems, we find that opposition and its role degraded. The members of the opposition are depicted as a small band of mercenaries, malcontents, rebels, people who cause riots and fanatics.

But in the liberal systems, the situation is different wherein individuals of differing opinions may organize into political parties and thereby have an effective role in the decision-making process of the country. Organized opposition in liberal systems, particularly parliamentary ones, can bring about the collapse of the government. In Israel, our archenemy, for example, we see that even small parties play a major role in making policy and a

coherent opposition can depose the government and be decisive in an election.²⁷

Restrictions on freedom of opinion

*I*t may seem strange that in a discussion of freedom to express opinion the need to impose restrictions is raised. The reader may think that there is a kind of contradiction. But there is no contradiction and, actually, we need some restrictions upon the right to express one's opinion. It is unreasonable to give everyone the right of unlimited freedom to say and do whatever he wants, when the exercise of such freedom affects others and threatens their freedom; or to permit every person to say that which hurts or harms people in their religion, threatens their safety, or may otherwise, undermine their sense of security or well-being.

No system in the world, no matter to what extent it supports freedom, will espouse or accept the idea of absolute freedom. To do so would be inviting anarchy. We note that all constitutions in the world contain some articles, the observance of which advocates preference for one set of rights to the exclusion or limitation of some other rights, thereby restricting the freedom to express opinion. It is said that America is a country of freedom,

²⁷ Israel has double faced policy. In its own territory its 'Israeli' parties and individuals have such rights and freedom. But for the 'goims' the rules are just the reverse even as per their religious code. In foreign policy it always supports the 'usurpers', the dictators, the revolutionist/s as it prefer to call it, who serve its 'mandates' and purpose especially in the Muslim countries. (Editor)

but was there any American who could support communism publicly? Was there any Russian who could openly declare his support for Capitalism? Is there any Jew who can speak openly against Zionists or the perverted Judaism? The answer to these questions is obviously, no. And no constitution will protect any of the people who do so.

Article 29 of the Universal Declaration of Human Rights states that everyone in the exercise of his rights and freedoms shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

When we examine closely freedom to express opinion in western thought, we find that there are two restrictions imposed on this freedom. First, we see that capitalists control mass media, direct it and control the sources of news and information. Second, restrictions are imposed by the state under the pretext of respect for and protection of the rights and freedoms of others, and for reasons of internal security.

There is no doubt that in countries where the principle of consultation is applied, opinions that affect security or degrade religions or creeds will be rejected and not allowed.

Today, many countries forbid any publication or expression of thoughts that affect their public order or security. In 1989, British authorities refused to authorize the publication of the book "Spy Catcher" because it contained secrets the state did not want them to be revealed. The author was obliged to publish his book in Australia. The affair surrounding the writer and his book was a well-known incident that clearly shows that some restrictions to

freedom of expression need to be imposed wherever freedom of opinion exists.

The Islamic restrictions

All systems and constitutions have imposed restrictions on freedoms to protect creeds, customs, and the public order. Islam, also, has placed restrictions and instituted rules to protect the Muslim community against the ‘abuses’ of freedom. Islam is unlike the other ideological and dictatorial systems that suppress opinion and “cut tongues”. However, in Islam, the expression of ideas and behaviour that are prohibited or rejected and the means used to express such ideas are taken quite seriously. In this section, we will discuss some of the important restrictions imposed by Islam upon the freedom to express opinion.

Most notable are the restrictions upon expressing one’s opinion regarding religious matters or, to be more accurate, making decisions about or speaking on that which is *Ḥalâl* (what is allowed) and *Ḥarâm* (what is forbidden). In Islam, no one has the right to speak in matters of shari‘ah, (Islamic law), unless he is qualified to do so.

Before a Muslim becomes qualified to clarify and explain religious matters, he must have a good command of the Qur’an, Sunnah, jurisprudence, the prophet’s biography and Islamic creed. There should be specialists trained and recognized by Islamic scholars as persons who can be responsible for guiding people to the right teachings and capable of giving them the correct *Fatâwa* (legal opinions). If every person were left to voice his opinion in

religious matters without good knowledge of Islam, the result would be instability, chaos, and gross reprehensible innovation within the religion. Therefore, we see that a codification of rules limiting freedom of opinion is needed in this respect.

There are restrictions also on expressing opinion in the affairs of the Islamic state pertaining to administration²⁸ — making laws, policies and decisions. From the Islamic point of view, those persons who share in making the policies of the Islamic nation should possess certain characteristics, including good knowledge of economics, politics, conduct of warfare and administration so that the Islamic state can compete the other nations and regain its premiere position. Those persons responsible for ruling the Muslim state should be selected freely without coercion, misrepresentation, or fraud. Sometimes, contrary to Islamic public interest, a group of ignorant people will stand as candidates for public offices using their wealth and political connection to achieve their purposes.

It is extremely important for us to mention that some people apostatize from the religion of Islam, expressing their desire for the right to do as they wish. Apostasy is forbidden in Islam and the sanction of apostasy²⁹ is death. In Islam, the apostate is first asked to repent and return to Islam, and if he refused, he should be put to death for his desertion. The Prophet (Blessings and peace be upon him) said: “Whoever discards his religion, kill him.” He also said: “The blood of a Muslim cannot be shed except in three cases:

1. Life for life, (in cases of intentional murder without right),

²⁸ In matters of unjustified use of administrative rules, injustice, all and sundry has the inviolable rights to challenge in the court of law. (Editor)

²⁹ For detailed discussion see Mawdudi's *Penalty for Apostasy in Islam*. (Editor)

2. A married person committing illegal sex, and
3. The one who turns renegade from Islam (apostates) and leaves the group of Muslims (by innovating heresy, alien ideas and non-Islamic things, etc., in the Islamic religion).”

This is not oppression or restriction; apostasy is rejection of the lordship of Allah and the Islamic state. In Islam, many atheists, apostates, and rebels were killed because they dissented from the Islamic public order.

Another view of apostasy can be gleaned from the following. It is said that Bertrand Russell, the renowned British philosopher, was once asked, “If the British parliament decided to make Britain a communist country by majority, would you agree with this change, though you are faithful to Democracy and the parliamentary system?” Russell said instantly, “Of course, I wouldn’t agree, because the parliament in this case renounces the basis of democracy and the parliamentary system and establishes the dictatorship of the proletariat which is the face of the communist system. The parliament, in this case, nullifies the bases of its existence and the representatives were elected to protect these foundations which the state, its constitution and its institutions are based upon.”

From this situation, we see how important it is to be faithful to one’s ideals and the seriousness of rebellion or apostasy. In Islam, it is not permitted for a believer to deny the religion of his Lord once he knows it.

There are many misconceptions about apostasy and its punishment in Islam. Some of those who tried to defend Islam on this point, unfortunately, caused other misconceptions and pointed out what may be considered a contradiction in the verdicts of Islam. The fact is that there are no contradictions but only

conformity among the verdicts, and I will clarify this matter. There is no compulsion in religion and Allah, the Exalted, the Almighty says, in the Glorious Qur'an,

﴿Let there be no compulsion in religion. Verily, the Right Path has become distinct from the wrong path.﴾ (Qur'an 2: 256)

The Christians, the Jews and the Magians were able to live under the rule of the Islamic state and no one compelled any of them to embrace Islam. We need to make a distinction between the one who did not embrace Islam and the one who embraced it and later apostatized. The penalty of death was established for the one who embraced Islam then abandoned it. There is no punishment against infidelity itself; otherwise, there would be a punishment for the Jews and the Christians. The punishment is against apostasy because the apostate discards the Islamic religion and degrades its creed and convention.

The Legislator, Allah, the All-Powerful, to make this distinction clear, assigned to each a different name. He called the non-Muslim, a person of any religion other than Islam, an infidel, and called the one who embraced Islam and left it an apostate. This distinction relates to the reason for the death penalty; he is killed because of apostasy, not infidelity. Killing the apostate is not due to compulsion; it is protection of the public order in the Islamic state against threat to its stability. The Caliph Abu Bakr (may Allah be pleased with him) made fierce war against the apostates till they repented or were killed for their apostasy.

Any system of codified law classifies crimes and their penalties using specified criteria that serve the public interest. The foremost priority of Shari'ah, legislation based on the Qur'an and Sunnah of Prophet Muhammad (Blessings and peace be upon him), is the correct application and protection of religion (Islam).

Protection of the Islamic religion is vital for the public order in the Ummah, the Muslim nation or community. Therefore, the prosecution and punishment for apostasy is among the rights of the state, and the ruler is entitled to judge the case rather than individuals.

Our discussion is still focused upon the Islamic restrictions to the right of freedom. People who commit sins openly in public may claim that they are free to do so; but in Islam, committing sins publicly is forbidden and to do so is punishable. In Islam, it is not considered a right of freedom to commit acts of fornication, homosexuality, or drink alcoholic beverages in public (or otherwise). In modern legal terminology, these acts are classified as offences against the public order and morals.

On the other hand, the person who commits sins privately, in secret, and his acts are not known to us, his reckoning will be only with Allah. So the value of and right to privacy are important in Islam. People are not permitted the freedom to peer into open windows, climb fences and spy on people or to listen uninvited to people's conversations. People may take extreme measures to secure their private behaviour from public knowledge.

It is related that 'Umar (may Allah be pleased with him) said, "During the lifetime of the Prophet (Blessings and peace be upon him), people were called upon to account (for their wrongs) through revelation. Now, since revelation has stopped, we shall call you to account on the basis of your visible actions as such. Now whoever exhibits or shows us good, we shall take it as such and accept it and we shall not enquire into his hidden activities or motives with a view to disapprove of it. Allah will take notice of his hidden activities and call him to account for the same; but whoever exhibits or shows us evil we shall not accept it and shall

not confirm it, although he may claim that his intention was good.”

Abu Hurayrah (may Allah be pleased with him) reported that Allah’s Messenger (Blessings and peace be upon him) said: “All the people of my Ummah would be pardoned for their sins except those who publicize them.” This means that a servant should not do a deed during the night and tell the people in the morning that he has done so and so, whereas Allah has concealed it.

Another restriction that Islam imposes on freedom of opinion and expression is that people may not destroy property to express their opinion. For example, some people may express their views by mass demonstrations and destruction of property and public utilities, thinking they are free to do so. These acts are forbidden in Islam; no one has the right to burn or destroy public estates and utilities. The Prophet (Blessings and peace be upon him) said: “No one should cause any harm to himself or any other person.” He also said, “Your blood and your properties are forbidden among you.”

In addition, we see numerous accounts of people expressing their opinion by frightening, terrorizing or killing others, accusing them of infidelity or debauchery. These ways of expressing opinion are forbidden in Islam. Islam requires Muslims to make the message clear by wisdom and beautiful preaching. Oppression and suppression will lead to violence and forbidden practices; therefore, power and violence should not be used to express opinion.

Islam prohibits treachery (wilful betrayal) in all forms, whether to individuals or betrayal of the state by disclosure of its secrets to its enemies, or by supporting them. These acts endanger

the Ummah and its security. It is narrated in a sound hadith that, "An infidel spy came to the Prophet (Blessings and peace be upon him) while he was on a journey. The spy sat with the Companions of the Prophet and started talking and then went away. The Prophet (Blessings and peace be upon him) said (to his Companions), 'Chase and kill him.' So Salamah ibn al-Akwa' (may Allah be pleased with him) killed him. The Prophet (Blessings and peace be upon him) then gave him the belongings of the killed spy in addition to his share of the war booty."³⁰

A story from the noble biography of the Prophet (Blessings and peace be upon him) teaches us that we should not judge people without first knowing their motives and circumstances, and that we should follow the example of the Prophet (Blessings and peace be upon him) in his compassion for the Muslims. When the Prophet (Blessings and peace be upon him) decided upon the conquest of Makkah, he maintained great secrecy of his intention in order to achieve the element of surprise. There was so much fear and apprehension everywhere that Hâtib ibn Abi Balta'ah, one of the Prophet's most trusted followers, secretly dispatched a female messenger with a letter to some pagans in Makkah informing them of some of the Prophet's intentions. The Prophet (Blessings and peace be upon him) was informed by revelation of Hâtib's action and sent 'Ali, az-Zubayr, and al-Miqdâd with instructions to intercept her. They did, and she surrendered the letter under threat of having her clothes removed. The Prophet (Blessings and peace be upon him) summoned Hâtib and questioned him about why he had done such a thing. Hâtib replied, "O' Allah's Apostle! Don't hasten to give your judgment about me. I was a man closely connected with Quraysh, but I did

³⁰ Bukhari.

not belong to their tribe, while the other emigrants with you had their relatives in Makkah, who would protect their dependents and property. So I wanted to compensate for my lack of blood relations with them by doing them a favour so that they might protect my dependents. I did this neither because of disbelief nor apostasy nor out of preferring *Kufr* (disbelief) to Islam.” Allah’s Apostle said, “Ḥaṭīb has told the truth.” ‘Umar said, “O’ Allah’s Apostle! Allow me to chop off the head of this hypocrite.” Allah’s Apostle said, “Ḥaṭīb participated in the battle of Badr, and who knows, perhaps Allah has already looked at the Badr warriors and said, “Do whatever you like for I have forgiven you.” Then Allah, the Exalted revealed the verse:

﴿O’ you who believe! Take not my enemies and your enemies as friends...﴾
(Qur’an 60: 1)

In Islam, one is not permitted to express his opinion by defaming and vilifying others. The believer is not one who swears or curses, and he should not insult anyone for any matter. The Prophet (Blessings and peace be upon him) taught the Muslims how to respect and be kind to other people even though they may belong to other religions. It is narrated from a sound hadith that the Prophet (Blessings and peace be upon him) purchased some dates from a Jew on credit. The Jew, wanting to examine the truthfulness of the Prophet in his message, went to the Prophet before the debt was due and asked him to pay. The Jew was very rude to the Prophet (Blessings and peace be upon him) and said to him, “You, Banu ‘Abdul-Muṭṭalib are delaying people.” ‘Umar (may Allah be pleased with him) wanted to punish the Jew for his rudeness, but the Prophet (Blessings and peace be upon him) said to him, “O’ ‘Umar! We (the Prophet and the Jew) were in need of something other than what you did. You should advise me to pay with what is better and advise him to request his due politely.”

Then the Prophet (Blessings and peace be upon him) gave the Jew what he demanded and twenty measures over his due as a compensation because 'Umar frightened him. Upon seeing the actions of the Prophet, the Jew immediately embraced Islam.

In Islam, to disclose other people's secrets is forbidden regardless of the means used: newspapers, media or otherwise. It is also forbidden to convict a person without evidence or to compel him to confess by use of torture. In Islam, legal punishment cannot be executed in the absence of certainty of the charges brought against the accused. More will be said about this later.

The freedom to express one's opinion does not extend to the falsification of the opinion of others and attributing to them that which they did not say. In the Third World, we often see the concoction of charges against innocent people and the preparation of conviction decrees prior to even a preliminary investigation. The practice of defaming people has also spread to the extent of absurdity. For example, there are claims that some people go to the university riding camels or that they defecate in the open, avoiding the water closet (WC) in order to follow the ways of their good ancestors. Obviously, these stories are fabricated to defame the people whom they mention. Pharaoh used these tactics to discredit Prophet Moses (may peace be upon him), accusing him of practicing sorcery. In this way, Pharaoh sought to defame both Moses and his brother Aaron. The Holy Qur'an tells us that Pharaoh said of Moses,

﴿Verily, your Messenger who has been sent to you is a madman!﴾

(Qur'an 26: 27)

He also sent heralds, announcing of important news, to all the cities in order to publicly condemn Moses. Allah says:

﴿Then Fir'aun [Pharaoh] sent callers to [all] the cities. [Saying]: 'Verily, these indeed are but a small band, and verily, they have done what has enraged us. And indeed, we are a cautious society.'﴾ (Qur'an 26: 53-56)

In summary, we say that all such ways, despite claims to the contrary, are outside the bounds of freedom to express opinion and, therefore, are prohibited in Islam.

Violations of human rights and freedom of opinion

It is evident today⁷ that there is a class of violations committed against humanity and the freedom of opinion. These violations are forbidden both in Shari'ah (Islamic Law) and in positive law as established in the constitutions of many nations. The rejected practices in this category contribute to the instability of the community, threaten public order, and lead to a decline of guarantees, granted under their constitutions, of equal rights for all members of society.

1. Collective punishment

Collective punishment refers to the tendency of authorities in many countries to classify communities, peoples and even nations, according to a certain opinion, into groups, and then accord these groups treatment based upon suspicion and doubt. In this way, whole groups of people holding a certain opinion are

punished because of suspicions held toward one or a few of its members. In some cases, we see authorities using routine punishment as a precaution against possible disturbances. Islam has instituted punishment for individuals, not groups, and each person is responsible for his own deeds, not those of someone else. In addition, punishment can not be based upon suspicion or doubt; guilt must be determined by tangible evidence or by confession without compulsion. Allah, the Almighty says:

﴿That no bearer of burdens can bear the burden of another.﴾

(Qur'an 53: 38)

Also, He, the Exalted says,

﴿Every person is a pledge for that which he has earned.﴾

(Qur'an 52: 21)

An event in the life of Prophet Yoosuf (Joseph) and his brothers, as told in the Qur'an, affirms that it is forbidden to punish any person in place of the one who is guilty, i.e., the one who deserves the punishment. When Yoosuf (may peace be upon him) was asked by his brothers to take one of them to be punished rather than Benjamin in whose bag the king's cup was found, he responded:

﴿Allah forbid, that we should take anyone but him with whom we found our property. Indeed [if we did so], we should be Dhâlimeen [wrong doers].﴾

(Qur'an 12: 79)

The secular laws, also, uphold the code of individual punishment and the right of every person charged with a crime to be presumed innocent until proven guilty according to law. Unfortunately, we see, all too often, that innocent people are punished instead of or along with the guilty, that when a person is suspected of a crime, his family, friends and neighbours may suffer only because they have relations with him.

2. Arrest based upon suspicion and doubt

Under the guise of protection or security reasons, people are arrested or detained on suspicion only, without tangible evidence of their guilt. These violations, as previously mentioned, are prohibited in both Shari'ah (Islamic Law) and secular law. The texts of Shari'ah (Qur'an and hadith) teach that people are accountable for deeds actually performed, not those they may do or are suspected of having done. We are asked to judge people by their visible (seen) actions, leaving their intentions (unseen) for the judgment of Allah, the All-Seer, All-Knower (of the seen and unseen). Allah, the Exalted says:

﴿But if they repent and establish regular prayers and give Zakah, then leave their way free. Verily, Allah is Oft-Forgiving, Most Merciful.﴾ (Qur'an 9: 5)

This verse means that if by their visible actions people behave as Muslims, we accept them as Muslims because our knowledge is limited to the actions we see and we have no knowledge of their inner thoughts.

'Abdullâh ibn 'Utbah ibn Mas'ood (may Allah be pleased with him) relates that he heard 'Umar ibn al-Khaţţâb (may Allah be pleased with him) say: "During the lifetime of the Noble Prophet (Blessings and peace be upon him), people were called upon to account (for their wrongs) through revelation (to him). Now since revelation has stopped, we shall call you to account on the basis of your visible actions as such. Now whoever exhibits or shows to us good we shall take it as such, and accept it and we shall not enquire into his hidden activities or motives with a view to disapprove of it. Allah will take notice of his hidden activities and call him to account for the same; but whoever exhibits or

shows to us evil we shall not accept it and shall not confirm it, although he may claim that his intention was good.”

It is related, also, that a man came to Sufiyân ath-Thawri and said to him: “When I am with the *Muhtasib* (comptroller), we climb walls to surprise evil doers.” Sufiyân asked him, “Don’t they have doors?” The man said, “They have doors but we climb walls lest they should escape.” Sufiyân denounced what they did and blamed the man for these acts. Al-Mawardi supported Sufiyân’s opinion and said that it is forbidden to surprise people in their houses, to climb their walls, or to spy on them. These acts are allowed only when you are sure that a dangerous crime, like murder, is about to happen and you can prevent it by your intervention. In Islam, it is not allowed to spy on people to disclose their hidden vices.

In this matter, the followers of the Mâliki school of thought have stipulated that forbidden actions should be visible and apparent without spying, eavesdropping or entering the homes of people illegally. Imam Abu Yoosuf said that a person should not be arrested on the basis of mere suspicion, and any one arrested should be brought promptly before a judge and is entitled to trial within a reasonable time or released. He advised Hâroon ar-Rasheed (the Abbasid Caliph) to have trials for everyone under arrest and to release anyone arrested without a definite charge or an insufficient evidence.

3. Hindering contact with arrested suspects and secrecy of trials

In many instances, even in ordinary cases, hindrances are used to prevent the suspect from having contact with anyone —

his lawyer or any member of his family. This practice means that there is a premeditated intention to fabricate accusations, falsify evidence, etc., especially in unfair trials. It is related that 'Uthmân (may Allah be pleased with him) would not judge any case unless four Companions of the Prophet were present should he require any assistance to ensure a fair trial.

The fourteenth article of the International Covenant on Civil and Political Rights declared that everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. It further stated that the press and the public may be excluded from all or part of a trial for reasons of morals, public order or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent absolutely necessary, in the opinion of the court, in those circumstances where publicity would prejudice the interests of justice.

The fourteenth article also stated that the following rights are afforded to the accused:

- ✓ Everyone charged with a criminal offence shall have the right to be presumed innocent until proven guilty according to law.
- ✓ Adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing.
- ✓ To be tried without undue delay.
- ✓ To be tried in his presence, and defend himself in person or through legal assistance of his own choosing.
- ✓ Everyone convicted of a crime shall have the right to have his conviction and sentence being reviewed by a higher tribunal according to law.

- ✓ When a person has been convicted of a criminal offence by a final decision, and when subsequently his conviction has been reversed or has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

4. The use of torture and compelling the suspect to confess guilt

We have discussed violations perpetrated in the Third World and the failure of the executive authority in Arab and Muslim countries to observe the Islamic *Shari'ah* (law) or their own secular constitutions. We have also mentioned the prohibition of striking or torturing a Muslim, and that his blood cannot be shed except in three cases: apostasy, intentional murder without right and a married person committing illegal sex. The Islamic jurisprudence declares the prohibition against compelling the suspect (the accused) to testify against himself or to confess his guilt. The accused person who is well-known for his outstanding character should not be arrested or exposed to compulsive acts. It is forbidden in Islamic jurisprudence to punish the suspect except after he has had a fair trial based upon clear evidence (proof) of his guilt.

Abu Yoosuf, in his book *al-Kharâj* (Land tax) mentioned that Caliph 'Umar ibn 'Abdul-'Azeez wrote to the jail officials, "Don't put the Muslim prisoner in fetters which prevent him from praying in the standing position and do not fetter anyone during

his sleep unless he is wanted.” He also ordered that prisoners receive monthly payments to help them with food. He wanted to be sure that the prisoners had sufficient food for fear the jailers would deprive them of it.

Abu Yoosuf, in the same text, relates that ‘Umar ibn ‘Abdul-‘Azeez instructed officials regarding the collection of taxes. He wrote to his tax collectors saying, “Do not hit any man if he is late in paying his taxes. Do not harass people to pay taxes because I hear that the tax collectors hit and chain them in a manner that prevents them from performing the prayer.” All of these violations are most serious in the sight of Allah.

In addition, the secular laws also forbid any form of torture or coercion and declare the imposition of such acts as a violation of basic human rights and freedoms. Any official who is involved in these violations should be deprived of immunity to prosecution and should be tried as well. Some laws specify that confessions obtained by use of torture or coercion are null and void.

Article 126/71 of the Egyptian constitution specifies that any official engaged in torture of any accused or suspect should be punished. Article 302 (same constitution) states that any confession resulting from threatening or compulsion is null and void. Thus, it should be apparent that resorting to the use of torture and compulsion and other brutal acts is against conscience, morals and ethics. Without a doubt, torturing suspects is a gross violation of human freedom and rights, and such measures are illegal and forbidden. Nonetheless, as we stated previously, laws and constitutions are just ink on paper. In the least developed³¹

³¹ Everywhere, with a very very few exceptions the tortures to get confession is adopted, US doing the same in Guatemala Camp, Afghanistan, Iraq, etc. (Editor)

countries, every means of torture is used to extract a confession even though the confessor may be innocent of the crime.

The Cassation (high) Court of Egypt has denounced the use of any method of torture to compel a suspect to testify against himself or to confess guilt. It has also stated that any official using his authority to torture or compel people will be punished according to Article 126 of the penal code. The International Covenant on Civil and Political Rights states that no one shall be subjected to torture or inhuman punishment and no one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established in Law.

Article 7 of the Covenant states that no one shall be subjected to torture or to cruel, inhumane or degrading treatment, or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation. Article 9 states the following:

- ❖ Everyone has the right to liberty and security of his person.
- ❖ Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
- ❖ Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time, or to be released. It shall not be the general rule that persons awaiting trial shall be detained in custody, but their release may be subject to guarantees to appear for trial at any other stage of the judicial proceedings, and, should the occasion arise, for execution of the judgement.

- ❖ Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that the court may decide, without delay, on the lawfulness of his detention and order his release if the detention is not lawful.
- ❖ Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

The Sanctity of homes, shops and the other private properties

*T*he sanctity of the home means that it must not or cannot be transgressed, dishonoured or broken into; the home should be kept as an inviolable place. The Islamic shari‘ah (law) considers the home as a sacred place that cannot be transgressed by any attempt to spy on the people therein, climbing its walls or entering it without permission. Allah, the Exalted says:

﴿O’ you who believe! Enter not houses other than your own, until you have asked permission and greeted those in them: that is better for you, in order that you may remember...﴾ (Qur’an 24: 27)

Many hadiths refer to the sanctity of the home. Sahl ibn Sa’d narrated that a man peeped through a round hole into the dwelling place of the Prophet (Blessings and peace be upon him) while the Prophet (Blessings and peace be upon him) had a midray (an iron comb) with which he was scratching his head. The Prophet (Blessings and peace be upon him) said: “Had I known you were looking through the hole, I would have pierced your eye

with it (i.e., the comb).” Verily! The order of taking permission to enter has been enjoined because of that sight, “that one should not look unlawfully at the state of others.”³² Anas ibn Mâlik narrated: “A man peeped into a room of the Prophet (Blessings and peace be upon him). The Prophet (Blessings and peace be upon him) stood up, holding an arrowhead. It is as if I am just looking at him, trying to stab the man.”³³

The four Islamic schools of thought (fiqh) are agreed that it is allowed to gouge out the eye of a person who peeped into rooms or houses that belong to the others. It is reported in the explanation of the well-known book of hadith, *al-Musnad*, compiled by Imam Aḥmad, that if a person peeped into a house through a hole in the door or in the wall, not from an open door, and the owner of the house used anything that gouged out his eye, the owner would not be punished.

It is reported, and al-Mâwardi also mentions in *The Sultan's Verdicts (al-Aḥkâm as-Sultāniyah)* that ‘Umar (may Allah be pleased with him), during his walk at night, believed that some people were committing forbidden acts. He climbed the wall to their house to surprise them. On seeing ‘Umar they became afraid for ‘Umar was well-known for his strict adherence to Islam. But they were brave and had enough knowledge of Islam to face him. They judged ‘Umar instead of being judged, and forced him to defend himself.

They said to him, “O’ *Ameer* of the believers! We had committed a mistake, but you committed three mistakes.” ‘Umar said, “What are these mistakes?” They said,

³² Bukhari.

³³ Ibid.

“Firstly, Allah, the Exalted says: ﴿Spy not on each other,﴾ but you spied on us.

Secondly, He, the Almighty says, ﴿Enter houses through the proper doors,﴾ but you climbed our walls,

Thirdly, Allah, also says: ﴿... Enter not houses other than your own, until you have asked permission and saluted those in them...﴾ (*Qur'an* 24: 27), but you didn't do so.”

‘Umar admired their knowledge about Islam. He excused them and they excused him. They promised ‘Umar not to do their actions again and to make repentance.

The secular law also supports the sanctity of homes and the prohibition against spying on homes or using any means to transgress their sanctity. Article 44 of the Egyptian constitution declares the sanctity of homes and that they cannot be entered into or searched unless there is in effect a judicial writ, according to the rules of law. In the Egyptian constitution, the judge is the authority who is responsible for issuing writs of search. The judge also specifies the causes for issuing the writ and these specifications define and limit the scope of the executive authority, thereby, safeguarding as inviolable the private life of people and their freedom.

Still other violations of the sanctity of private life include:

1. Eavesdropping and wiretapping

The right to use the media of communication freely is among the protections covered by the sanctity of the home and freedom of opinion. People should have the right to express their opinions by telephone or any other means of communications without fear or apprehension. Wire (and today, wireless)

conversation remains in the domain of a private affair that cannot be violated.

The following verse of the Holy Qur'an addresses this issue, though in a somewhat different way. Allah says:

﴿Verily, the hearing, and the sight, and the heart, of each of those ones will be questioned [by Allah].﴾ (Qur'an 17: 36)

The Prophet (Blessings and peace be upon him) says: "Tale-bearers will not enter Paradise." We have called attention to other hadiths of the Prophet (Blessings and peace be upon him) that stress the prohibition of spying on people or trying to learn their secrets.

Recent scientific advances in electronic technology have enabled specialists to develop sophisticated devices that can intercept human conversation in any home without entering the home or planting eavesdropping devices (bugs) on the premises. In fact, voice vibrations can be "lifted" from glass windows by listening devices positioned at some distance away from the targeted building. In addition, very tiny listening devices can be used that can detect voice vibrations however slight from long distances, remote from the actual source of the intercepted voices.

The illegal use of these devices leads to the disclosure of secret information about people and causes them harm, especially when the privacy of their homes is violated under the guise of security and they are placed under electronic surveillance. All of these methods are illegal, prohibited and contrary to Islamic religion and morals. Transgression against the sanctity of private life is a punishable offence and this crime is committed whenever photographing or recordings are made illegally. Article 39 of the Kuwaiti constitution and Article 18 of the Jordanian law codifies these acts as offences. Article 45 of the Egyptian law declares that

any evidence derived by illegal recording of conversations is null and void because it constitutes spying and that violates the principle of freedom (to which people are entitled) and the sanctity of place. Dr. Aḥmad Faṭḥi Suroor, in his book, *al-Waseet*, said that the sanctity of both private and telephone conversations should be against any method of wiretapping or publicizing because the sanctity of private life is inviolable and should not be transgressed by any method of recording or surveillance (monitoring).

Article 45 of the Egyptian Law declares that it is not permissible to wiretap telephone conversations without a judicial writ being in effect and for a specified time limit.

The U.S. Supreme court ruled that electronic surveillance or wiretapping is a transgression of privacy rights, and any evidence derived by this means is null and void. Also, article 2515 of the U.S. legal code states that any evidence resulting from tapping telephone conversations or spying will not be taken into consideration in legal proceedings and will be void.

Mail and telegraphic messages have the same sanctity and privacy protections as the home. Articles 45 of the Egyptian constitution / 1971 states that the sanctity of mail, telegraphic messages and telephone conversations and their secrecy is guaranteed by law. As such, these messages should not be confiscated, examined, or censored unless there is in effect a judicial writ for a definite period, and according to the rule of law.

Article 206, modified in 1972 by Law 37, states that the public prosecutor may seize any letters, newspapers, publications, parcels, or messages at the post office, and wiretap telecommunications and record any telephone calls made in private, if these acts will aid in uncovering evidence of any felony

or misdemeanour that is punishable by imprisonment for a period not exceeding three (3) months.

Prior to executing any of the aforementioned measures, a writ should be issued by the magistrate. In all cases authorizing seizure, surveillance or wiretapping, the writ should be for a period not to exceed thirty — 30 — days. The magistrate however has the right to extend this period.

Article 12 of the Universal Declaration of Human Rights and Article 17 of the International Covenant of Civil and Political Rights state that no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home, or correspondence, nor to unlawful attacks on his honour and reputation, and that everyone has the right to the protection of the law against such interference or attacks.

2. Media invasion

We have discussed Islam's position on the right of people to have freedom to express their opinion — free of compulsion or any coercion to change their words or their views. The Islamic position is clearly against the use of intensive pressure to shape people's thoughts, conscience, and religion or to change their attitudes to those that are forbidden. It is prohibited in Islam to pervert words and take them lightly or to compel someone to say what contradicts his principles.

International law and the International Covenant of Civil and Political Rights declare that no one, without his free consent, shall be subjected to medical or scientific experimentation. Such research is considered as a direct intrusion to affect people or their opinions. But, a far more effective method exists to affect people

without medical experimentation: relentless pressure to change the personal and collective attitudes of a people sometimes called “brainwashing” for convenience. Brainwashing consists of all those efforts directed to force the simple people to change, if not abandon, their thoughts, opinions, conscience, and religion. The aim of “brainwashing” is to have people embrace or adopt and believe what they previously denied and to accept what they had previously rejected. Brainwashing, in this sense, is wide-spread in the Third World today. The most effective means of brainwashing in the world today is propaganda, the primary function of which is to mold the attitudes and opinions of the masses. Unfortunately, most of the output of the mass media today is distorted and misleading.

The main characteristics of media in the Third World countries can be summarized in the following points:

1. Information flows in one direction only — from the rulers who control mass media to the public. Information flow of this type is called vertical direction, i.e. with information coming from one direction only to a receiver. Actual participation in use of the media is absent in this model.
2. Freedom of expression is available only to those who own or finance mass media. Yet, the constitutions of the Third World countries declare that freedom of expression and opinion is available to everyone, all members of the community have the right to freedom of thought and that this right is guaranteed and respected.

We have previously reported that America has control of the world mass media through its programmes and by direct and indirect financial support. Two of the world’s great news agencies are located in the United States:

Associated Press (AP) established in 1848, and United Press (UP), established in 1907. Given the vast financial resources of these two news agencies, we can conclude their influence in shaping opinion throughout the world. The French Press Agency (FPA) likewise, is one of the oldest news agencies in the world. It is a news source for thousands of newspapers and hundreds of radio and television stations.

3. Mass media is not used as an arena for discussing public opinion, attitudes or beliefs, and it is not subjected to any public censorship or scrutiny.
4. The information readily available serves commercial interests and political censorship or expediency. The concept of information that prevails is weighted in favour of these purposes at the expense of objective and factual information.

Media in the independent African countries assumes four levels of subservience:

1. The subservience of media to the ruling authority, whether in ownership, administration or in the informational content itself;
2. Subservience to foreign or local capitals
3. Subservience to the world news agencies and international advertising establishments
4. Academic subservience in the African media institutes and centres

Herbert Sheller, an American professor, described the American policy in the field of media as the planned media invasion. To protect opinion and thought from any foreign

intrusion, the local mass media, the intellectuals, the scholars of law and Shari'ah (Islamic law and science) should alert people to the great danger of "brainwashing" and the entire industry of opinion makers. In the event of blind subservience to the western mass media, the developing countries will become a colony inhabited by people who are unwilling or unable to make choices. These are people who forgot freedom of thought and thinking, people who are captivated by images and misleading words that seem like "poison in honey."

In addition to the distorted ideas imported from outside, there is also the danger and threat of the opinion makers within the country. There are innumerable examples of newspapers publishing immoral stories and pictures, and spreading atheistic ideas which challenge and cast doubts about the value of the Islamic creed and Shari'ah. In general, the constitutions in the Muslim countries state the necessity for observing and safeguarding Shari'ah and morals in any published material.

Only the press law of Saudi Arabia (KSA) voices this position forthrightly. Article 28 of this statute states that publishing any atheistic or subversive idea is prohibited. On the other hand, in some countries we see the deliberate publication (yellow press) of immoral materials and ideas, pornographic photographs, and spread of ideas contrary to Shari'ah. These violations, when committed repeatedly, lead us to conclude that most laws and constitutions are nothing but "ink on paper."

CONCLUSION

The Prophet (Blessings and peace be upon him) said: “If anyone interprets the Book of Allah in the light of his opinion even if he is right, he has erred.”³⁴

In 1994, ash-Shaykh al-Basyony responded to allegations made in the Western media that Islam restricts freedom or free expression of opinion, and to assertions that the West is the sole sponsor of freedom and advocate for human rights. It was further asserted that the ‘religion’ of Western-style democracy should be adopted as the only way to ‘progress’ for the world in all worldly matters. In fact, proponents of this view asserted that Islam should be abandoned, due to its being a cause of ‘backwardness’ among the people. In the light of these slanderous charges against Islam and the gross claims for the superiority of Western (i.e., secular) culture, ash-Shaykh al-Basyony authored the book *Hal bi al-Islâm Hurriyah li ar-Ra’y? — The Freedom of Opinion in Islam* for the Arabic-speaking audience. Subsequent to its publication, the media assault against Islam has increased in scope, intensity, malignancy, and persistence. It is clear now, if not previously, that Islam is the only remaining ideological system and obstacle to world domination by materialistic secular systems, and every effort is being made to destroy its viability as an alternative to the Western life style.

³⁴ Abu Dawood.

In this updated English version, we have presented readily available information and facts to show that freedom to express opinion in Western democracy, esp. America, has failed to lead to 'Utopian-like' progress, but rather to its opposite with respect to moral decay, suffering, wasted resources, demoralization, and massive destruction of societal infrastructure. Our discussion of these matters has been brief but to the point.

Ash-Shaykh al-Basyony has shown convincingly that Islam, far from being a hindrance to free expression of opinion, is profoundly embedded with principles, elements, strategies, commands, practices, etc. which, if applied, can guarantee perpetual well-being in society. In fact, Islam establishes the foundation for the social embodiment of just relations between rulers and the ruled, the ruled among themselves, and the society in community with other societies (nations). The universality of Islam to address the human conditions, to protect the rights of individuals, their privacy, their property and their honour is undeniable, and can only be refuted by falsehood.

We have presented the case for Islam to the best of our ability within these few pages. We acknowledge and proclaim the truth of Allah's religion (Islam), and accept responsibility for our mistakes and shortcomings in this endeavour.

May Allah, the Exalted, Almighty forgive us our sins and faults, and count these efforts among our good deeds.

Addendum

We wish to mention that while the author credited the U.S. with having the 'lion's share' of control over mass media and its policies and influence, today (2007), it is all too apparent that mass media world-wide is an apparatus primarily under Zionist ownership, control and almost exclusive purpose.

GLOSSARY

<i>Al-Âkhirah</i>	: The Hereafter
<i>Al-Aḥkâm as-Sultâniyah</i>	: Sultanic verdicts, i.e., governmental and administrative law, name of the book written by al-Mâwardy
<i>Al-Khawârij</i>	: Lit. Seceders; A group of people seceding the camp of 'Ali ibn Abi Ṭâlib, the fourth Caliph, during the battle of Siffeen when 'Ali accepted the arbitration proposal from Muâwiyah. Later they developed into a sect declaring <i>kâfir</i> anyone who committed a sin — minor or major. They opposed both Muâwiyah and 'Ali
<i>Al-Qiṣâṣ</i>	: Punishment, Islamically law of equality in punishment and applicable in murder cases
<i>Ameer</i>	: Emir, Commander, Leader
<i>Dhâlimeen</i>	: Sing. <i>Dhâlim</i> ; Wrong doers, oppressors (objective case of <i>dhâlimoon</i>)
<i>Diyah</i>	: Blood money, financial compensation for injuries or death paid to victim's survivors, if agreed, in lieu of capital punishment
<i>Fatâwa</i>	: Sing. <i>Fatwa</i> ; Legal verdicts
<i>Ihtisâb</i>	: An office in an Islamic state to supervise the market, the public functionary is called <i>Muhtasib</i> , a market inspector charged with the detection of false weights and the banishment of public acts of immorality

<i>Ijtihad</i>	: Exercising reason to find out appropriate ruling in matters Qur'an and Sunnah are not explicit
<i>Jihad</i>	: Lit. Struggle; Holy war, Islamically struggling hard for the establishment of Islamic order, war in the battle field is only a part of it
<i>Muttaqeen</i>	: Sing. <i>Muttaqi</i> ; Pious, righteous persons (objective case of <i>Muttaqoon</i>)
<i>Qawad</i>	: Law of equality, also see <i>al-Qiṣâs</i>
<i>Ṣalâh</i>	: Prayer
<i>Shari'ah</i>	: Islamic law
<i>Shoora</i>	: Consultation, consultation body in Islamic polity
<i>Sunnah</i>	: Prophetic traditions, sayings, ways and deeds
<i>Ummah</i>	: Nation
<i>Zakah</i>	: Poor due, a pillar of Islam, obligatory on every Muslim possessing wealth over a prescribed limit